CITY COUNCIL MEETING AGENDA
NOTICE OF ELECTRONIC MEETING
OCTOBER 15, 2019
6:30 PM

Notice is hereby given that the South Jordan City Council will hold a City Council meeting **Tuesday, October 15, 2019**, 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. An Executive Session may be held at the end of the meeting, if needed. Timings listed are approximate and may be accelerated or delayed.

REGULAR MEETING - Electronic

6:30 p.m. **A. Welcome and Roll Call** – *Mayor Dawn Ramsey*

6:35 p.m. **B. Invocation** – *By Council Member Don Shelton*

6:40 p.m. **C. Pledge of Allegiance**

6:45 p.m. **D. Minute Approval**

D.1. October 1, 2019 Council Study Meeting
D.2. October 1, 2019 City Council Meeting

6:50 p.m. **E. 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.

7:00 p.m. **F. Mayor and Council Reports**

7:45 p.m. **G. Consent Items**:

- G.1. Resolution R2019-57, appointment of Mike Peirce as replacement for Alternate Member Michael Haynes on the Planning Commission.(*By Planning Director, Steven Schaefermeyer*)
- G.2. Resolution R2019-58, Idle Free South Jordan. (*By City Attorney, Ryan Loose*)

7:50 p.m. **H. Action Item**: Resolution R2019-48, South Jordan Justice Court Recertification. (*By City Attorney, Ryan Loose & Administrative Services Director, Spencer Kyle*)

8:00 p.m. **I.** **Action Item**: Resolution R2019-59, appropriation of funds from the Storm Water Fund for the Millerton and Chavez Drive Storm Water Projects. (*By Public Works Director, Jason Rasmussen*)

8:15 p.m. **J.** **Public Hearing:** Westwood Heights Property – 3667 West 10200 South. (Applicant):

- Resolution R2019-41, Land Use Amendment from Office to Low Density Residential; and (*By Planning Director Steven Schaefermeyer*) **RCV**
- Rezone Ordinance 2019-06-Z, Property Rezone – Rezoning the property from Residential (R-1.8) and Agricultural (A-5) to the Residential (R-3) Zone. (*By Planning Director Steven Schaefermeyer*) **RCV**

8:45 p.m. **K.** **Staff Reports and Calendaring Items**

9:00 p.m. **L.** **Executive Closed Meeting:** Closed Meeting to discuss the purchase, exchange, or lease of real property.

ADJOURNMENT

CERTIFICATE OF POSTING

STATE OF UTAH)
: §
COUNTY OF SALT LAKE)

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 .
Published and posted October 11, 2019.

Anna M. West

Anna M. West, City Recorder

MINUTE APPROVAL - D.1. 10/1/2019 CC STUDY MTG

SOUTH JORDAN CITY
CITY COUNCIL STUDY MEETING

October 1, 2019

Present: Mayor Dawn Ramsey, Council Member Patrick Harris, Council Member Brad Marlor, Council Member Jason McGuire, Council Member Don Shelton, Council Member Tamara Zander, CM Gary Whatcott, Commissioner Sean Morrissey, Commissioner Julie Holbrook, Commissioner Michele Hollist, Commissioner John Ellis, Planning Director Steven Schaefermeyer, City Council Secretary MaryAnn Dean

SPECIAL JOINT STUDY MEETING

Mayor Ramsey welcomed everyone present. She noted that Council Member Zander will be arriving to the meeting late.

A. Invocation: *By IT Director, Jon Day*

Jon Day, IT Director, offered the invocation.

B. Mayor and Council Coordination

Council Member Ramsey said the southwest visioning steering committee met following the technical committee. She said an email was sent to all stakeholders to start scheduling one on one interviews with the consultants (Logan Simpson). The City Council can submit their email addresses if they are interested in giving input on the southwest visioning project.

C. Discussion/Review of Regular Council Meeting

Council Member Marlor asked about item K., regarding the reconstruction of the canal culvert at approximately 2200 West 9500 South. He asked when will the project start, and how long will it take, if the funding is approved? Engineering Director Klavano said they expect to award the bid in November, with construction anticipated in January or February. They need the project done by the first of April. He said they can try to keep one lane open on 2200 West, but that will delay the project. If they shut down 2200 West, they will be able to finish the project quicker. He said they have federal aid money to do the curb and gutter on 2200 West, from the West Jordan border to 11400 South. They need to lengthen the canal as part of the curb and gutter project, but they can't do that because of the condition of the culvert. The culvert is rusted. The curb and gutter project won't be until late spring/early summer, whenever they can obtain the needed right of way.

Council Member Shelton noted that he sent an email to CM Whatcott with questions about items on tonight's agenda. CM Whatcott responded and copied the City Council with the answers.

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CM Whatcott said Council Member Zander asked about the money being used for item J., the agreement with Salt Lake County for funding a portion of Bingham Creek Regional Park. He said the money used is impact fee money, not general fund money. He said they have an agreement for usage of the park; they are contractually bound because they are using impact fees.

Council Member Marlor asked how the other agreements with the County are coming along? CM Whatcott said they are moving ahead with those discussions, including the park authority. That will come back to the City Council in November.

Mayor Ramsey noted that she has a lunch meeting scheduled with County Mayor Wilson the end of October.

Mayor Ramsey reviewed item H.1. on the agenda, which makes it clear that the city is going to be compliant with Utah law regarding medical cannabis.

Mayor Ramsey reviewed item M. regarding the bar license for Market Street Grill. There was an Ordinance approved that included 2 bar licenses in the city. The licenses were contingent that the licenses would not be transferrable. She said the owner of Gastronomy passed away and it had to be sold. The new owners would like to continue with the business as usual. She feels they need to transfer the bar license or the restaurant will leave South Jordan.

Council Member Marlor said his understanding is that 2 of the 3 owners of the restaurant passed away since that Resolution was passed.

Mayor Ramsey reiterated that the business model won't be any different.

Council Member Harris said he feels the language in the Ordinance was there so this could be addressed on a case by case basis.

Mayor Ramsey said there could be residents from Rushton Meadows present under public comment. Their concerns remain. She said she spoke to the HOA president. He will be scheduling an appointment with her, CM Whatcott, staff, and possibly Council Member McGuire. She said she can understand the concerns of the HOA, but the City is not able to fully fund a parking lot for them. Council Member McGuire said the HOA president has been trying to keep the number of emails they receive to a minimum and has been the spokesperson for the larger group.

Council Member Marlor asked what was the reaction of the HOA to CM Whatcott's email? Mayor Ramsey said the HOA president now understands that is what the city can do. Any other ideas or suggestions would need to be discussed at their meeting.

Council Member Shelton said with the city's proposal, that would equate to $150 a unit. Mayor Ramsey said the city is trying to help with the parking situation, but it is not the city's fault.

The City Council took a dinner break.

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D. Discussion: General Plan. *(By Steven Schaefermeyer/Logan Simpson)*

Council Member Zander joined the meeting at this time.

Mayor Ramsey introduced Mike Pierce, her recommendation for the alternate to the Planning Commission.

The Planning Commission, consultants, and staff members present were all introduced. Jennifer Gardner, Logan Simpson, reviewed a prepared presentation (Attachment A). She reviewed the future land map. A hard copy was also provided (Attachment B).

Commissioner Holbrook asked why being less specific on the land use plan is a good thing? Planning Director Schaefermeyer said part of that was because they looked at other projects that Logan Simpson has done. Also, they don't want to alarm people with the land use plan. He said one problem with the previous land use map is it became a pseudo zoning map. He said the land use map should be a guide.

Commissioner Holbrook said one concern is what if someone wants to put an R5 or R6 use next to an R2. How does this help them? Mr. Schaefermeyer said they are working to identify vacant land in the city. Commissioner Ellis said he likes the flexibility if it is used to make things more consistent, not less consistent with the surrounding areas.

Commissioner Holbrook asked if this will allow them to decrease the need to rezone as frequently as they have? Mr. Schaefermeyer said South Jordan does not zone a property to match the land use map. As a result, a lot of rezones are necessary. He said this could help in residential areas that are stable to say that they need to pick compatible zones.

Mayor Ramsey recommended that the Wheadon Farm be listed as historic preservation residential rather than future residential. Mr. Schaefermeyer said the Wheadon's legal representative said there is a concept plan to develop the property. He said they can change it to historic preservation residential. Mayor Ramsey recommended that staff talk to the landowners directly.

CM Whatcott noted that the Wright Farm is also an area to address. Mr. Schaefermeyer said they will continue to work on the definitions of the historic area and historic preservation residential area.

CM Whatcott said a representative from the State Department of Agricultural gave a presentation to the city at one time and encouraged them to preserve agricultural spaces. He said staff can see if they can get state funding to preserve the farms on the condition that they continue to have a green belt and continue to produce products. Commissioner Ellis said they could also work with the Jordan School District and the FFA for educational farm opportunities. Mayor Ramsey said the Wheadon's hosted the 7th graders in the last school year to provide some agricultural education.

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Council Member McGuire noted a piece of property that was mislabeled on the land use map. It was in the area of the existing San Marino apartments. Council Member Shelton said Lake Avenue and the open space around Sunstone should also be on the land use map.

They discussed what the areas labeled economic opportunity means. Ms. Cvetko said it is envisioned to be more of a gathering place, such as City Creek or the Gallivan Center.

Commissioner Hollist said she is concerned about more residential, especially moderate residential, on the eastern side of the city because there is no land available for more schools and the existing schools are already overcrowded.

Mr. Schaefermeyer noted a swap they proposed to the school district with the Elefson property, but that did not work out. They also talked about property at Ridgepoint for the school district, but that didn't work out. He said they can look at language in the General Plan and evaluate how they are working with the school district.

Mayor Ramsey said it is hard for the school district to find out about the growth after the fact and then try to figure it out. She said the property that they own by Mabey Lane is too small for a school.

Ms. Gardner said they could analyze the land areas on the east side of the city, and try to determine what the density would be, and start that conversation with the school district.

Council Member Marlor said he feels The District is an economic center, not an economic opportunity, according to the definitions provided. Ms. Gardner said they can manipulate the definitions of economic opportunity and economic center. They need to redefine economic opportunity to say it already is an economic center and there is opportunity for more. Council Member Zander said the area of the Smith's is already an economic center but there is space for more to come.

Ms. Cvetko said the desire is to make the economic opportunity more of a come and stay area. The Smith's area was labeled economic center because it is more of a drive in and out center. Ms. Cvetko said they could consider changing the label to gathering opportunity.

Commissioner Holbrook expressed concern about adopting the Wasatch Front 2040 Plan and the Jordan River Blueprint because those plans could change in the future. She recommended they use them only as a guide. Ms. Cvetko said they did change that language. CM Whatcott said the Jordan River Blueprint principles were adopted by Resolution.

Mr. Schaefermeyer said the housing portion of the general plan has to be adopted before December. They can adopt the rest of the plan next year, if needed.

Ms. Gardner asked that any comments be submitted by the end of this week.

It was noted that the city's newsletter with the link has been the most successful outreach to the public.

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ADJOURNMENT

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

The October 1, 2019 City Council study meeting adjourned at 6:17 p.m.

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MINUTE APPROVAL - D.2. 10/1/2019 CC MEETING MINUTES

SOUTH JORDAN CITY
CITY COUNCIL MEETING

October 1, 2019

Present: Mayor Dawn Ramsey, Council Member Patrick Harris, Council Member Brad Marlor, Council Member Jason McGuire, Council Member Don Shelton, Council Member Tamara Zander, CM Gary Whatcott, Police Chief Jeff Carr, Administrative Services Director Spencer Kyle, City Commerce Director Brian Preece, Finance Director Sunil Naidu, Strategic Services Director Don Tingey, ACM Dustin Lewis, City Attorney Ryan Loose, Fire Chief Chris Dawson, Planning Director Steven Schaefermeyer, Engineering Director Brad Klavano, Public Works Director Jason Rasmussen, IT Director Jon Day, City Council Secretary MaryAnn Dean

Others: Attachment A

A. Welcome and Roll Call – *Mayor Dawn Ramsey*

Mayor Ramsey welcomed everyone present. All members of the City Council were present.

B. Invocation – *By Engineering Director, Brad Klavano*

Engineering Director Klavano offered the invocation.

C. Pledge of Allegiance

Brandon McHenry, Troop 1739, led the audience in the Pledge of Allegiance.

Mayor Ramsey recognized some scouts present. The scouts introduced themselves.

D. Minute Approval

D.1. September 17, 2019 Council Study Meeting
D.2. September 17, 2019 City Council Meeting

Council Member Shelton made a motion to approve the September 17, 2019 City Council study meeting minutes and the September 17, 2019 City Council meeting minutes, as printed. Council Member McGuire seconded the motion. The vote was unanimous in favor.

E. Public Comment

Jimmy Lane, 10745 S. Big Meadow Dr., said within the first year of him moving to his house, there were cars parked everywhere. They have had issues with vandalism, garbage, and his driveway being blocked. It was hard for them to have guests over. In the last three weeks, things have changed and it's been a lot better. It is safer for their children. Last winter, they couldn't get

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a plow down the street. He likes the changes that have been made. He appreciates that the city listened to their concerns.

Rebecca Gillespie, 10736 S. Harvest Pointe Dr., echoed the previous comments. She said they have appreciated the changes. It has been safer for their children, and it has been a nice change and made a huge difference. She noted the parking that has been painted on the street around the corner from her. She said that is a much wider street and has room for traffic both ways. It is more accommodating to parking and traffic. She said the city may want to consider adding lighting in that area. She said it is easier to have company over, as they can now park at her house.

Luane Jensen, 11186 S. 2700 W., said she is here representing the Historical Committee. She invited the City Council to a Veterans breakfast on November 9th, from 8-10 am at the Community Center.

Koung Hong, 3678 W. Rushton View Dr., said they are able to have people over at their house finally. They do not have to reserve parking for their own guests. He has had trash spilled on his lawn and had his driveway blocked. Now they don't have to worry. It has been a nice change. He asked that they keep the permit only parking in their area.

Ken Simmons, 9862 S. Campaign Dr., expressed concern about the secondary water metering program. He has heard it's for houses east of 4000 West, and will be free for a couple years. He said Riverton's secondary water bill is $60 a month, and if they did that here, it would be a 200% increase. He is concerned about the cost of the meters themselves. He said he knows there is concern about people overusing secondary water. Maybe they should do some city planning on how to save water, or xeriscape parking strips.

Jamie Lesko 10674 S. Poppy Meadow Lane, said on behalf of the residents of their neighborhood, she appreciates the City Council hearing them. They appreciate the solution of painting the parking lines. It has been wonderful.

Chuck Newton, 3236 W. Cameron Park Ct., complimented the Police Department for solving a case that was hurting the Vortex Hobbies business. He expressed concern about kids trying to cross the road at 9800 South Bangerter by the elementary school. He recommended a traffic study and installation of a crosswalk and flashing lights. There is also a crosswalk needed at 3600 W. by Paradigm High School. He said regarding secondary water metering, it seems like they have gone from A-Z, and missed some things along the way. He said they should drop the tree city. More trees means more water. They should also look at park strips, and the parks to convert that from culinary to secondary water. He understands the process has started. They could also install water saving plants. In the past, there were standards given to developers for landscaping, but the City Council has not enforced smart wise sprinkler controllers for new homes and new commercial buildings. He feels those are good steps before secondary water meters.

F. Mayor and Council Reports

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Council Member Marlor noted that he attended the We Saved Glenmoor celebration. He said the owner of the golf course and staff have done quite a bit of work at the golf course in the last year. He met with the compensation committee. He attended the art show at the Gale Center. He attended the city connect lunch; representatives from the banking community were able to talk about what changes they are seeing.

Council Member Harris said he also attended the Save Glenmoor event. It was well done and the golf course never looked better. He met with a congressional candidate. He said the historical preservation committee is working hard to preserve history. There are a lot of efforts to recognize veterans in the city.

Council Member Shelton also reported on the Save Glenmoor party. He is glad they have the beautiful golf course. He also spoke to some scouts.

Council Member Zander said she also attended the Save Glenmoor celebration. It was heartwarming. Saving the golf course was a great accomplishment thanks to many people. She is glad they were able to accomplish that without raising taxes, which she was opposed to.

Council Member McGuire said he attended the South Jordan art show. They had an increase in entries over previous years. As a result, they need another location for the art show because they ran out of wall space. He said they have an opening on the Arts Council.

Mayor Ramsey said she also attended the We Saved Glenmoor event. She, along with the police department, presented Hawthorne Academy with an award for being the best school to use seatbelts properly in the city. She met with the Youth Council and the Compensation Committee. She attended the mascot bowl. She spoke at the Jordan Education Foundation's economic summit and showed a video about the growth of the University of Utah in the city. She read a portion of a statement of commitment from the U of U to the city. She said they look forward to working with the U of U bringing the right programs here and having an expanded presence here. She met with the Point of the Mountain State Land Authority. She made a presentation at the School Board meeting, and the School Board expressed appreciation to the city for their efforts to maintain the commitment to use some RDA money to provide more affordable housing for Jordan School District employees and South Jordan City employees. She attended the city connect luncheon, which is a new program. She met with the consultants regarding the southwest visioning study. The website should go live this week.

G. Presentation: American Heart Association Mission Lifeline Award *(By Fire Chief Chris Dawson and Jessica Rosing)*

Fire Chief Dawson said this award is for how their EMT's render care for heart attack and chest pain calls. They are one of only 3 entities in the state, and the only stand alone fire department in the state to qualify for this award.

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Battalion Chief Richards reviewed what it takes for the fire department to qualify for this award. They are grateful to have the support of the City Council and administration to provide medical equipment needed to provide service to the residents.

Jessica Rosing, American Heart Association, presented the South Jordan City Fire Department with the 2019 Mission Lifeline EMS Award. They play a key role in the chain of survival. They can pre-alert the hospital so the chances of survival increase.

Police Chief Carr reported on a recent challenge in Draper with an individual with a mental health issue. He said they had 4 officers between South Jordan City and Draper City police. A resident called in and thanked the police for their handling of that situation. (Audio file of the call was played – Attachment B). CM Whatcott complimented the Fire and Police Departments for the way they conduct themselves.

H. Summary Consent Items:

H.1. Resolution R2019-49, declaring the City of South Jordan complies with the Utah Medical Cannabis Act. *(By City Attorney, Ryan Loose)*

H.2. Resolution R2019-51, a resolution authorizing a Purchasing exception for Engineering Services and the execution of the Improvement and Reimbursement Agreement for Grandville Avenue / Lake Avenue – Lake Avenue to Old Bingham Highway with VP Daybreak Operations, LLC and Perigee Consulting. *(By City Engineer, Brad Klavano)*

Council Member McGuire made a motion to approve H.1. and H.2. Council Member Marlor seconded the motion.

Council Member Harris said with H.1., they are just stating that they will comply with the law. They are not taking a position on the issue. Mayor Ramsey concurred.

Council Member Shelton said staff answered his questions previously about H.2. He said the city received funding for that item. It is not coming out of the General Fund. They are hiring a company that has done the other half of the road. It is a good decision.

The vote was unanimous in favor.

I. Action Item: Resolution R2019-45, supporting the application and associated requirements of a Watersmart Grant provided by the U.S. Department of Interior, Bureau of Reclamation. *(By Public Works Director, Jason Rasmussen)*

Public Works Director Rasmussen reviewed a prepared presentation (Attachment C). He said the plan is not to bill for secondary water differently, but to share information that is collected so people will change their habits.

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CM Whatcott said secondary water metering will be a requirement of the state. He said there is time needed for technology to advance for the gravity fed systems. This is just for pressurized secondary water systems.

Council Member Marlor asked in the future, might they appropriate money to put in gravity flow meters? Mr. Rasmussen said yes, they will try to get federal grants to help with that.

Mr. Rasmussen said they do not anticipate having to put any maintenance off. He noted that the meters currently can read at a higher pressure but have a harder time with gravity fed systems.

Council Member Zander asked if every residence will have its own meter? Mr. Rasmussen said yes. The results will be on the water bill. This effects 443 homes. When they get meters for gravity fed homes, that will be about 3200 more connections. He said the better data they can get, the better chance they have to get additional funding for a gravity fed system.

Council Member Zander asked what if they don't get the grant? Mr. Rasmussen said they'll keep applying for it. He said they would not do the project to this scale, without the grant. They would likely do 25-50 meters at a time. They will not use the $300,000 unless it is coupled with the grant. It was noted that the city's water conservation efforts helps them with grant assistance.

Council Member Zander made a motion to approve Resolution R2019-45. Council Member McGuire seconded the motion.

Council Member Zander said the city is making great strides and leading out in water conservation efforts.

Roll call vote. The vote was unanimous in favor.

J. Action Item: Resolution R2019-47, authorizing the Mayor to enter into an Agreement with Salt Lake County for funding a portion of Bingham Creek Regional Park. *(By Strategic Services Director, Don Tingey)*

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

Mayor Ramsey said the park impact fee money that is being used for this has been saved since 2015. This is meeting a commitment made long ago.

Council Member Marlor asked what is the balance of the park impact fee fund? CFO Naidu said close to $2 million unencumbered.

It was noted that the project is scheduled to start Spring 2020.

CM Whatcott said the entire site for the Bingham Creek Regional Park will be mass graded. They discussed the city's priority use of 3 fields as part of this deal.

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Council Member Zander said she was concerned about the city's commitment for ongoing maintenance, but Mr. Tingey told her that this would be county owned and maintained, but the city will receive priority scheduling.

Council Member Shelton made a motion to approve Resolution R2019-47. Council Member Zander seconded the motion. Roll call vote. The vote was unanimous in favor.

CM Whatcott said it will be great to have this regional facility, but the city needs to be involved. It would be great to have some control over it. The park will be 160 acres, a significant amount of space in the city.

Strategic Services Director Tingey said approximately 50 acres will be developed with the first phase. He showed a rendering of the master plan for the 160 acres, and the rendering of phase 1 (Attachment D). The City Council discussed the planned improvements along 4800 West.

CM Whatcott said there are future plans to continue the trails and connect it to U-111. It was noted that there is a sidewalk on 4800 West, but not on 10200 South. Mayor Ramsey said she hopes the splash pad will happen with Phase 1.

K. Action Item: Resolution R2019-50, appropriating $700,000 from the Water Enterprise Fund, Secondary Water Enterprise Fund, and the Storm Special Revenue Fund for the reconstruction of the canal culvert approximately located at 2200 West and 9500 South *(By Engineering Director, Brad Klavano)*

Engineering Director Klavano reviewed the background information on this item. He said the work will take place February next year. They have received $7.5 million in grants for the overall project. He said at some point, they will need to reconstruct the canal culvert anyway. He said they cannot finish the curb or gutter in the area or overlay the road until this project is done.

Council Member McGuire said he appreciates staff looking at the long term picture and making sure this is done right the first time. Mayor Ramsey concurred.

Council Member Marlor made a motion to approve Resolution R2019-50. Council Member Harris seconded the motion. Roll call vote. The vote was unanimous in favor.

L. Public Hearing: Resolution R2019-44, Consolidated Annual Performance Evaluation Report (CAPER) regarding Community Development Block Grants (CDBG) Funds and Community needs for the 2020-21 Program Year. *(By Assistant to City Manager & CDBG Coordinator, Katie Olson)*

Katie Olsen, CDBG Coordinator, reviewed what CDBG funds are. She reviewed the proposed allocation (Attachment E).

Mayor Ramsey opened the public hearing.

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Peggy Daniel, South Valley Services, commended the Police Department for the great relationship they have for referral services. She said they have started a housing program. She said there is also a great need for survivors to deal with the trauma they've seen; 52 percent of those they help are children. That service is offered free of charge.

Mayor Ramsey closed the public hearing.

Council Member Shelton asked about the individuals that were helped with accessory living units. Ms. Olsen said that helps them achieve their objective, but CDBG funds were not used for that. Those permits let people add accessory living units because it is a benefit to those that need affordable housing.

Council Member McGuire made a motion to approve Resolution R2019-44. Council Member Zander seconded the motion. Roll call vote. The vote was unanimous in favor.

M. Discussion Item: Market Street Grill & Oyster Bar/Gastronomy Restaurants. *(By Chris Buhler & Fred Boutwell)*

Fred Boutwell, said any transfer of a liquor license in the State of Utah requires local consent. He said they will be transferring ownership of this restaurant. Everything about their business operation will stay the same. He asked that the city look upon the local consent favorably.

Council Member Marlor asked what is the current ownership group? Mr. Boutwell said Mountain West Brands.

Mayor Ramsey said nothing is expected to change in the business model. Mr. Boutwell concurred. He said the management is staying the same.

Council Member Marlor complimented the representatives on their successful restaurant operation. He feels this is in the spirit of what they set out to do, which was to make sure the license goes with the operation. He said this use is well within their expectation.

Council Member Harris concurred. The operation is consistent and the management is the same; it is just an ownership change. They need to allow the business to succeed. It makes sense to move forward with this request.

Council Member Shelton said Market Street is a great member of the community. He feels they should not impede their business in any way.

Council Member Zander said she appreciates that Market Street has been a good partner to the city. She encouraged them to give back to local charities and those that can't afford to go to their restaurant. Mr. Boutwell indicated that they participate in a number of charities and he reviewed those. They also help with the refugee program and provide employment opportunities. He also reviewed the participation he gives to South Jordan and the school district charitable events.

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Council Member McGuire echoed the previous comments. This business sets the example of what they expect from businesses that make such a request.

City Attorney Loose said staff will work to get the liquor license formalized and will report back at the next City Council meeting.

Mayor Ramsey said Mr. Buhler is involved in the Chamber of Commerce. She noted that the servers from Market Street donate their tips and use that money to buy a gift card for the outstanding educator at the Jordan School District. She also expressed appreciation for their Christmas for kid's participation.

Council Member Harris made a motion to direct staff to do whatever it takes, short of a change in Ordinance or an action that requires a Resolution, to allow Market Street to continue to operate under a new ownership, and to operate under the current ownership until that is done. Council Member Marlor seconded the motion. The vote was unanimous in favor.

N. Staff Reports and Calendaring Items

The City Council scheduled a strategic planning meeting on Wednesday November 13th, from 5-7 pm.

City Attorney Loose said there has been some questions regarding SB2001. Staff can send out a fact sheet on that bill. He reviewed the history of the bill. When the online sales bill came in, within 6-7 years, cities were supposed to made whole through the online sales tax. South Jordan was not on the manufacturing list because they did not consider the mining. City Commerce Director Preece said there are only 5 entities that self report, and 2 are in South Jordan (Kennecott and EBay). City Attorney Loose said staff is working hard to come up with a solution.

Administrative Services Director Kyle said the City Council is invited to the Mulligan's 25th Anniversary party. It is scheduled for Thursday, October 10th, from 4-8 pm. He will be getting the City Council information on times and what is needed.

ADJOURNMENT

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

The October 1, 2019 City Council meeting adjourned at 8:59 p.m.

UNAPPROVED

CONSENT ITEM - G.1. R2019-57 APPOINTMENT OF NEW PLANNING COMMISSION MEMBER

RESOLUTION R2019 - 57

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, APPOINTING THE ALTERNATE MEMBER OF THE SOUTH JORDAN PLANNING COMMISSION.

WHEREAS, South Jordan City Municipal Code § 17.16.010 ("City Code") requires each member of the City Council of the City of South Jordan ("City Council") to nominate a member of the South Jordan Planning Commission ("Planning Commission") and the Mayor of the City of South Jordan ("Mayor") to nominate the alternate member of the Planning Commission; and

WHEREAS, City Code § 17.16.010 also provides that the City Council appoints each member of the Planning Commission by a majority vote of the City Council; and

WHEREAS, Mayor Ramsey has nominated Mike Peirce to be appointed as the alternate member of the Planning Commission; and

WHEREAS, the City Council desires to appoint Mike Peirce to the Planning Commission and to reaffirm the term length for each member of the Planning Commission.

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

SECTION 1. Appointment of Mike Peirce. Mike Peirce, who has been nominated by Mayor Ramsey, is hereby appointed as the alternate member of the Planning Commission.

SECTION 2. Planning Commission Term Lengths. The term length for each member of the Planning Commission is set forth as follows:

City Council District	Planning Commissioner	Appointment or Reappointment	Term Expiration
District 1 (P. Harris)	Julie Holbrook	January, 5, 2016	December 31,2019
District 2 (B. Marlor)	Michele Hollist	May 21, 2019	December 31, 2019
District 3 (D. Shelton)	T. Earl Jolley	March 6, 2018	December 31, 2021
District 4 (T. Zander)	John Ellis	July 19, 2016	December 31, 2019
District 5 (J. McGuire)	Sean Morrissey	March 6, 2018	December 31, 2021
Alternate (D. Ramsey)	Mike Peirce	October 15, 2019	December 31, 2021

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 _____, 2019 BY THE FOLLOWING VOTE:

	YES	NO	ABSTAIN	ABSENT
Patrick Harris	____	____	____	____
Bradley Marlor	____	____	____	____
Donald Shelton	____	____	____	____
Tamara Zander	____	____	____	____
Jason McGuire	____	____	____	____

Mayor: _____ Attest: _____

Dawn R. Ramsey City Recorder

Approved as to form:

Office of the City Attorney

CONSENT ITEM - G.2. R2019-58, SUPPORT OF THE "NO IDLE" CONCEPT

SOUTH JORDAN CITY
CITY COUNCIL REPORT

Council Meeting Date: 10/15/2019

Issue: Resolution R2019-58. Idle Free South Jordan City

Submitted By: Ryan Loose

Office of the City Attorney

Staff Recommendation (Motion Ready): I move to **approve** Resolution R2019-58.

BACKGROUND: Utah was first in the U.S. to implement a statewide Idle Free campaign, and September 2019 marked the 12th Annual Governor's Declaration for Idle Free Utah. Seventy-one Utah mayors, including South Jordan Mayor Dawn Ramsey, signed the 2019 Declaration in support of this statewide Idle Free campaign.

TEAM FINDINGS, CONCLUSIONS & RECOMMENDATIONS:

FINDINGS:

- Governor Gary Herbert issued the 12th Annual Governor's Declaration for Idle Free Utah for 2019.
- Currently, ten cities have passed some form of anti-idling/idle-free ordinance or resolution. These cities include Alta, Cottonwood Heights, Draper, Holladay, Logan, Murray, Park City, Salt Lake City, Sandy, and South Salt Lake.
- The Utah League of Cities and Towns passed Resolution 2019-002 "Improving Utah's Air Quality" during its 2019 Annual Conference in Salt Lake City.
- Utah Clean Cities, all Utah School Districts, and the Utah State Board of Education have developed and implemented school bus idling reduction programs, elementary student education plans, and outreach to the general public about idling reduction health benefits.
- The Utah State Board of Education implemented an annual training to over 3,000 bus drivers on Idle Free bus operations.
- Four school districts in the state have committed to become 100-percent idle free campuses. These school districts are Salt Lake City, Park City, Granite, and Canyons.
- Both Utah public and private fleets have made efforts towards reduction in idling by implementing driver training, idle free fleet programs, and using cleaner fuels.
- The Utah State Legislature passed HB 148 Vehicle Idling Revisions during the 2019 General Session. The bill amends provisions related to enforcement of a local authority's idling restrictions to require at least one warning citation before imposition of a fine. In effect, this bill provides cities with greater enforcement of idle free ordinances.

CONCLUSIONS: Resolution R2019-58 demonstrates the City's continuing commitment to its comprehensive Strategic Priorities to strive for a high quality of life and community engagement. By addressing idling, this Resolution displays the City's commitment to a "balanced, regulatory environment" by:

1. Providing for a long-term safe and attractive community through an efficient and appropriate set of effective, well-balanced and consistently applied regulations that meet the community's expectations;

2. Educating, engaging and partnering with the community to develop a sense of shared responsibility and instilling community pride; and,

3. Establishing and enforcing codes that maintain a clean, orderly and sustainable environment.

RECOMMENDATION: Approve Resolution R2019-58.

FISCAL IMPACT: Staff does not anticipate any significant fiscal impact. However, if the City adopts an ordinance requiring idling restrictions in the future, staff will conduct a fiscal analysis on resources needed to address enforcement.

The State of Utah was a beneficiary of over $35 million from the Volkswagen (VW) Environmental Mitigation Trust that was part of a settlement with VW for Clean Air Act (CAA) violations. The City may be eligible to apply for grants and incentives from this settlement from Utah Clean Cities for future air quality projects.

ALTERNATIVES:
- Approve with amendments.
- Do not approve Resolution R2019-58.

SUPPORT MATERIALS:
- R2019-58
- Governor Gary Herbert's 2019-2020 Idle Free Declaration signed by South Jordan Mayor
- Utah League of Cities and Towns: Resolution 2019-002 Improving Utah's Air Quality
- Utah State Legislature: 2019 HB 148 Vehicle Idling Revisions

City Council Action Requested: _____ 10/15/19
City Attorney Date

RESOLUTION R2019 - 58

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, PERTAINING TO PUBLIC HEALTH AND PROMOTING IDLE – FREE OPERATION OF MOTOR VEHICLES.

WHEREAS, air pollution is a public health and environmental concern in the State of Utah due to the detrimental effect poor air quality has on the health of citizens and the economic health of the State; and

WHEREAS, motor vehicles are a significant source of air pollution and idling a typical vehicle for longer than ten seconds consumes more fuel than restarting that vehicle, resulting in excessive emissions and wasted fuel; and

WHEREAS, idling vehicle emissions, when inhaled, may cause serious health conditions including increase rates of heart and lung diseases; and

WHEREAS, Governor Herbert issued the 12th Annual Governor's declaration for Idle Free Utah in 2019, the State Legislature passed HB148 "Vehicle Idling Revisions", and the Utah League of Cities and Towns, and at least ten individual cities have endorsed idle free practices by either resolution or ordinance; and

WHEREAS, the South Jordan City Council finds it in the best interest of the health, safety, and welfare of the residents to encourage the reduction of idling vehicles in the City.

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

SECTION 1. Idle Free South Jordan. Residents and visitors to the City of South Jordan are encouraged to reduce idling of vehicles by not idling a motor vehicle more than one minute with the following exceptions:

- The vehicle is forced to remain motionless on a public road because of traffic conditions.
- The vehicle is an emergency vehicle used in an emergency situation.
- Vehicle idling is necessary for auxiliary power for law enforcement equipment, refrigeration units, loading/unloading lifts, well drilling, and or farming.
- Vehicle idling is necessary for repair or inspection of the vehicle.
- The health or safety of a driver or passenger requires the vehicle to idle, including instances where the temperature is below 32 degrees or above 90 degrees Fahrenheit.

SECTION 2. Enforceability. The purpose of this Resolution is to encourage responsible reduction of idling vehicles and is not enforceable by citation or fine. Compliance is voluntary.

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

APPROVED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, ON THIS _____ DAY OF _____, 2019 BY THE FOLLOWING VOTE:

	YES	NO	ABSTAIN	ABSENT
Patrick Harris	____	____	____	____
Bradley Marlor	____	____	____	____
Donald Shelton	____	____	____	____
Tamara Zander	____	____	____	____
Jason McGuire	____	____	____	____

Mayor: _____
Dawn R. Ramsey

Attest: _____
City Recorder

Approved as to form:

_____
Office of the City Attorney

Gary Richard Herbert

Governor

Declaration

Whereas, idling vehicles emit particulate matter and other pollutants that, when inhaled, are known to cause serious health problems, especially for children and sensitive populations;

Whereas, Utah had the first Idle Free campaign in the nation, and 2019 marks the twelfth anniversary of the Idle Free declaration issued by the governor of Utah;

Whereas, we seek to educate and promote workplace charging and Idle Free as key goals of Utah's Energy Action Plan;

Whereas, the Utah Clean Cities, along with all Utah School Districts, and the Utah State Board of Education developed and put into place a school bus idling reduction program, and elementary student education plan, informing youth and the general public about the benefits of reduced idling;

Whereas, the Utah State Board of Education trains more than 3,000 bus drivers annually on Idle Free bus operations and driver training;

Whereas, Utah public and private fleets have supported the efforts of Idle Free to the benefit of our communities by encouraging driver training and idle free fleets and using clean, advanced fuels;

Whereas, the grassroots Idle Free Education program developed by Utah Clean Cities, has grown with support from the Utah Legislature, including the Clean Air Caucus, Utah Clean Air Partnership, Breathe Utah, Utah Society for Environmental Education, and the State Health Department's Utah Asthma Program and Recess Guidance, and has reached more than 15,000 students across 450 schools;

Whereas, these efforts have resulted in four prominent school districts including Salt Lake City, Park City, Granite, and Canyons to be fully committed to 100 percent idle free campuses with extraordinary dedication to drop-off and pick-up zones where children are most vulnerable;

Whereas, nine Utah cities have been declared Idle Free including Alta, Cottonwood Heights, Draper City, Holladay, Logan, Murray, Park City, Salt Lake City, and Sandy by having Idle Free ordinances;

Whereas, we applaud the Zion National Park's Idle Free Education and their expanding Green Fleet program;

Whereas, we applaud the more than seventy mayors for their support of this important endeavor:

Alta, Hoppe Sondak
Ballard, Robert Aberremabie
Bluffdale, Derek Timothy
Bountiful, Randy Lewis
Bryce Canyon, Shiloh Syrett
Cedar City, Maile Wilson Edwards
Cedar Hills, Jeremy Rees
Charleston, Brenda Kozlowski
Clearfield, Mark Shepherd
Coalville, Trevor Johnson
Cottonwood Heights, Mike Peterson
Draper City, Troy Walker
Eagle Mountain, Tom Westmoreland
Ephraim, Richard Squire
Fayette Town, Brenda Ledfors
Ferron City, Adele Justice
Garden City, Mike Leonhardt
Genoa ville, Brent Marshall
Hankville, Kim Wilson
Heber City, Kelleen Potter
Herriman, David Watts
Highland City, Rod Mann
Holliday, Rob Dahle
Hurricane, John Bramall
Hyrum, Stephanie Miller
Ivins, Chris Hart
Kamas, Matt McCormick
Kaysville, Katie Witt
La Verkin, Richard Hirschi
Layton, Scott Freitag
Lehi, Mark Johnson
Logan, Holly Daines
Mayfield, John Christensen
Midvale, Robert Hale
Millcreek, Jeff Silvestrini
Moab, Emily Niehaus
Murray City, D. Blair Camp
Myton, Kathleen Cooper
North Logan, Damon Cann
North Salt Lake, Len Arave
Ogden, Mike Caldwell
Orem, Richard Brunst
Park City, Andy Beerman
Pareowan, Preston Griffiths
Pleasant View, Leonard Call
Price, Michael Kourianos
Providence, John Drew
Provo, Michelle Kaufusi
Riverdale, Norman Searle
Riverton, Trent Staggs
Rockville, Pam Leach
Salt Lake City, Jackie Biskupski
Salt Lake County, Jenny Wilson
Sandy, Kurt Bradburn
Smithfield, Jeffery Barnes
South Jordan, Dawn Ramsey
South Ogden, Russell Porter
South Salt Lake, Cherie Wood
Spanish Fork, Steve Leifson
Springdale, Stanley J. Smith
St. George, Jon Pike
Sunset, Howard Madsen
Syracuse, Mike Gailey
Taylorsville, Kristie Overson
Tooele, Debbie Winn
Vernal, Doug Hammond
Washington City, Ken Neilson
Washington Terrace, Mark Allen
West Jordan, Jim Riding
West Valley, Ron Bigelow
Woods Cross City, Rick Earnshaw

Now, therefore, I, Gary R. Herbert, Governor of the great State of Utah, do hereby declare September 2019 and the 2019–2020 Winter Season as

Idle Free in Utah

Gary R. Herbert
Governor

Resolution 2019-002

(A) Resolution on Improving Utah's Air Quality

(B) We, the members of the Utah League of Cities and Towns, find that:

Whereas, the leaders of Utah's cities and towns value the efficient use of our natural resources, our economic success, and public health;

Whereas, some areas in Utah suffer from periodic poor air quality, which is a serious public health concern and a detriment to our economic prosperity as a state;

Whereas, Utah's air quality has gradually improved in recent decades, but further improvement is needed given our enhanced knowledge about the detrimental impacts of air pollution on human health;

Whereas, Utah's periodic poor air quality also affects rural areas including visibility in our national parks through regional haze;

Whereas, while the state has taken significant steps in recent years to address air quality, including passing 12 air quality measures during the 2019 General Session, much more could be done at the federal, state, and local levels;

Whereas, ULCT supported HB 411 during the 2019 General Session, which provided cities with the ability to transition to 100% renewable energy without shifting costs to other customers;

Whereas, ULCT supported HB 148 during the 2019 General Session, which provided cities with greater enforcement over anti-idling ordinances;

Whereas, Utah's cities and towns recognize that our buildings and homes contribute nearly 40% of the harmful emissions that contribute to poor air quality and will soon surpass combustion engine vehicles as the leading contributor to air pollution in the state;

Whereas, Utah's cities and towns recognize that benchmarking energy efficiency of buildings and homes and increasing energy efficiency can result in direct benefits to municipal budgets; and

Whereas, Utah's cities and towns are home to over 90% of the state's population and have the ability to be innovative in finding solutions to the air quality and other environmental concerns that they face.

(C) Now, therefore, we the members of the Utah League of Cities and Towns resolve that:

1. Utah cities and towns support local government's ability to consider local action to address air quality, including but not limited to:
    a. Enacting idle-free ordinances;

b. Installing electric vehicle charging networks;
c. Encouraging energy efficiency in homes and businesses;
d. Encouraging and purchasing renewable energy sources where appropriate;
e. Considering non-combustion options for fleet vehicles and other city equipment;
f. Transportation planning and technology that increases access and connectivity without primarily relying on single-occupancy vehicles;
g. Planning our neighborhoods and communities to facilitate use of transit and active transportation options;
h. Exploring city functions that might be performed by employees via teleworking; and
i. Upgrading city buildings and facilities to comport with higher energy efficiency standards.

2. Utah cities and towns support enhanced federal and statewide action to address air quality, including but not limited to:
    a. Increased support for fiscally responsible, clean, renewable, and carbon-free energy;
    b. State funding for public transit;
    c. Creation of a statewide electric vehicle charging network;
    d. Adoption of more energy-efficient building code standards;
    e. Adoption of transparency requirements for building energy efficiency;
    f. Investigation of how maintaining a minimum level of the Great Salt Lake might mitigate potential of harmful dust;
    g. Stricter vehicle emissions testing; and
    h. Support for federal enactment of clean car standards.

Submitted by:

Jeff Silvestrini, Millcreek City Mayor

September 9, 2019

VEHICLE IDLING REVISIONS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Patrice M. Arent

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill amends provisions related to enforcement of a local authority's idling restrictions to require at least one warning citation before imposition of a fine.

Highlighted Provisions:

This bill:

- amends provisions related to enforcement of a local authority's idling restrictions to require at least one warning citation before imposition of a fine.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

41-6a-208, as last amended by Laws of Utah 2015, Chapter 461

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **41-6a-208** is amended to read:

41-6a-208. Regulatory powers of local highway authorities -- Traffic-control device affecting state highway -- Necessity of erecting traffic-control devices.

(1) As used in this section:

(a) (i) "Ground transportation vehicle" means a motor vehicle used for the

transportation of persons, used in ride or shared ride, on demand, or for hire transportation of passengers or baggage over public highways.

(ii) "Ground transportation vehicle" includes a:

(A) shared ride vehicle;

(B) bus;

(C) courtesy vehicle;

(D) hotel vehicle;

(E) limousine;

(F) minibus;

(G) special transportation vehicle;

(H) specialty vehicle;

(I) taxicab;

(J) van; or

(K) trailer being towed by a ground transportation vehicle.

(b) "Idle" means the operation of a vehicle engine while the vehicle is stationary or not in the act of performing work or its normal function.

(2) The provisions of this chapter do not prevent a local highway authority for a highway under its jurisdiction and within the reasonable exercise of police power, from:

(a) regulating or prohibiting stopping, standing, or parking;

(b) regulating traffic by means of a peace officer or a traffic-control device;

(c) regulating or prohibiting processions or assemblages on a highway;

(d) designating particular highways or roadways for use by traffic moving in one direction under Section 41-6a-709;

(e) establishing speed limits for vehicles in public parks, which supersede Section 41-6a-603 regarding speed limits;

(f) designating any highway as a through highway or designating any intersection or junction of roadways as a stop or yield intersection or junction;

(g) restricting the use of a highway under Section 72-7-408;

(h) requiring the registration and inspection of bicycles, including requiring a registration fee;

(i) regulating or prohibiting:

(i) certain turn movements of a vehicle; or

(ii) specified types of vehicles;

(j) altering or establishing speed limits under Section 41-6a-603;

(k) requiring written accident reports under Section 41-6a-403;

(l) designating no-passing zones under Section 41-6a-708;

(m) prohibiting or regulating the use of controlled-access highways by any class or kind of traffic under Section 41-6a-715;

(n) prohibiting or regulating the use of heavily traveled streets by any class or kind of traffic found to be incompatible with the normal and safe movement of traffic;

(o) establishing minimum speed limits under Subsection 41-6a-605(3);

(p) prohibiting pedestrians from crossing a highway in a business district or any designated highway except in a crosswalk under Section 41-6a-1001;

(q) restricting pedestrian crossings at unmarked crosswalks under Section 41-6a-1010;

(r) regulating persons upon skates, coasters, sleds, skateboards, and other toy vehicles;

(s) adopting and enforcing temporary or experimental ordinances as necessary to cover emergencies or special conditions;

(t) prohibiting drivers of ambulances from exceeding maximum speed limits;

(u) adopting other traffic ordinances as specifically authorized by this chapter; or

(v) adopting an ordinance that requires a ground transportation vehicle to conform to state safety standards and reasonable annual appearance requirements, in consultation with a transportation advisory board of the local highway authority.

(3) A local highway authority may not:

(a) in accordance with Title 72, Chapter 3, Part 1, Highways in General, erect or

maintain any official traffic-control device at any location which regulates the traffic on a highway not under the local highway authority's jurisdiction, unless written approval is obtained from the highway authority having jurisdiction over the highway;

(b) prohibit or restrict the use of a cellular phone by the operator or passenger of a motor vehicle;

(c) enact an ordinance that prohibits or restricts an owner or operator of a vehicle from causing or permitting the vehicle's engine to idle unless the ordinance:

(i) is primarily educational;

(ii) provides that a person must be issued at least [~~three warning citations~~] one warning citation before imposing a fine;

(iii) has the same fine structure as a parking violation;

(iv) provides for the safety of law enforcement personnel who enforce the ordinance; and

(v) provides that the ordinance may be enforced on:

(A) public property; or

(B) private property that is open to the general public unless the private property owner:

(I) has a private business that has a drive-through service as a component of the private property owner's business operations and posts a sign provided by or acceptable to the local highway authority informing its customers and the public of the local highway authority's time limit for idling vehicle engines; or

(II) adopts an idle reduction education policy approved by the local highway authority;

(d) enact an ordinance that prohibits a vehicle from being licensed as a ground transportation vehicle:

(i) if the vehicle to be licensed otherwise passes all state safety inspection requirements established by the Utah Highway Patrol Division in accordance with Section 53-8-204; and

(ii) (A) based on the manufacture date of the vehicle; or

(B) based on the number of miles the vehicle has accumulated;

(e) enact an ordinance, regulation, rule, fee, or criminal or civil fine pertaining to a registration violation under Section 41-1a-201 or a registration decal issued under Section 41-1a-402 that conflicts with or is more stringent than the registration requirements under Title 41, Motor Vehicles;

(f) enact an ordinance that:

(i) is inconsistent with the provisions of this chapter; or

(ii) prohibits the use of a bicycle on any public street or highway, except as allowed by Section 41-6a-714, unless the local highway authority has:

(A) documented that the local highway authority has reviewed the safety history of the highway and considered other reasonable alternatives, including signage and routes; and

(B) clearly marked a safe alternative route for the prohibited section of highway; or

(g) enact an ordinance, regulation, or rule that requires the owner or driver of a ground transportation vehicle to maintain liability insurance coverage in an amount that is greater than the minimum amount of liability coverage a transportation network company or transportation network driver is required to maintain under Subsection 13-51-108(1)(b).

(4) An ordinance enacted under Subsection (2)(d), (e), (f), (g), (i), (j), (l), (m), (n), or (q) is not effective until official traffic-control devices giving notice of the local traffic ordinances are erected upon or at the entrances to the highway or part of it affected as is appropriate.

(5) An ordinance enacted by a local highway authority that violates Subsection (3) is not effective.

ACTION ITEM - H: R2019-48, SOUTH JORDAN JUSTICE COURT RECERTIFICATION

SOUTH JORDAN CITY
CITY COUNCIL REPORT **Council Meeting Date: 10/15/2019**

Issue: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, REQUESTING RECERTIFICATION OF THE CITY OF SOUTH JORDAN MUNICIPAL JUSTICE COURT.

Submitted By: Ryan Loose, City Attorney

Staff Recommendation (Motion Ready): Approve R2019-48, Authorizing recertification of the City of South Jordan Municipal Justice Court.

BACKGROUND: Every four years, the City of South Jordan Municipal Justice Court ("the Court") must be recertified by the Utah Judicial Council in order to continue operations. The Court must meet certain statutory and regulatory requirements to be recertified.

TEAM FINDINGS, CONCLUSIONS & RECOMMENDATIONS:

FINDINGS:

- The Court meets the statutory and regulatory requirements to be recertified, and continues to provide high quality judicial service to the residents of the City of South Jordan.
- It is feasible for the City to continue to maintain the Court.
- The demeanor, knowledge, wisdom and fairness of Judge Michael P. Boehm, the consistent work of the Court staff and those who lend support or auxiliary services to the Court, as well as the skill and commitment of the City prosecutors, Edward R. Montgomery and Deborah A. Snow, are exemplary.

CONCLUSION and RECOMMENDATIONS: Given the past history of the Court and given a continued commitment by the City Council and the City Administration, Staff recommends that the City Council authorize recertification of the City of South Jordan Municipal Justice Court.

FISCAL IMPACT:

- NA

ALTERNATIVES:

- Begin the process of disbanding the City of South Jordan Municipal Justice Court.

SUPPORT MATERIALS:

- Resolution R2019-48
- Justice Court Recertification Application

City Council Action Requested: _____ City Attorney _____ 10/15/19 Date

RESOLUTION R2019 - 48

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, REQUESTING RECERTIFICATION OF THE CITY OF SOUTH JORDAN MUNICIPAL JUSTICE COURT.

WHEREAS, the provisions of U.C.A 78A-7-103 require that Justice Courts be recertified at the end of each four-year term; and

WHEREAS, the recertification term of the Justice Court of the City of South Jordan shall expire February, 2020; and

WHEREAS, as required by law, the members of the South Jordan City Council have received an opinion letter from Ryan Loose, City Attorney, which sets forth the requirements for the operation of a Justice Court and the feasibility of continuing to maintain the same; and

WHEREAS, the members of the South Jordan City Council have determined that it is in the best interests of the residents of the City of South Jordan to continue to operate a Justice Court.

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

SECTION 1. Official Request. The South Jordan City Council hereby requests recertification of the South Jordan Municipal Justice Court by the Justice Courts Standards Committee and the Utah Judicial Council.

SECTION 2. Operation. The South Jordan City Council hereby affirms its willingness to continue to meet all requirements set forth by the Judicial Council for continued operation of the South Jordan Municipal Justice Court for the next four-year term of court, except as to any requirements waived by the Utah Judicial Council.

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

APPROVED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, ON THIS _____ DAY OF _____, 2019 BY THE FOLLOWING VOTE:

	YES	NO	ABSTAIN	ABSENT
Patrick Harris	____	____	____	____
Bradley Marlor	____	____	____	____
Donald Shelton	____	____	____	____
Tamara Zander	____	____	____	____
Jason McGuire	____	____	____	____

Mayor: _____ Attest: _____

Dawn R. Ramsey City Recorder

Approved as to form:

_____

Office of the City Attorney

Dawn R. Ramsey, *Mayor*
Patrick Harris, *Council Member*
Bradley G. Marlor, *Council Member*
Donald J. Shelton, *Council Member*
Tamara Zander, *Council Member*
Jason T. McGuire, *Council Member*

SOUTH JORDAN
UTAH

October 15, 2019

VIA U.S. MAIL

RE: RECERTIFICATION OF THE CITY OF SOUTH JORDAN MUNICIPAL JUSTICE COURT

Dear Mayor and City Council,

Every four years, the City of South Jordan Justice Court must be recertified by the Utah Judicial Council in order to continue operations. The Court must meet certain statutory and regulatory requirements to be recertified. By law, I am required to provide to you a written opinion advising you of the requirements for the operation of the Court and the feasibility of maintaining the Court.

Statutes of the State of Utah require that certain standards be met in the operation of a Justice Court. These statutory requirements include.

1. All official court business shall be conduct in a courtroom or an office located in a public facility which is conducive and appropriate to the administration of justice (78A-7-213).

2. Each court shall be open and judicial business shall be transacted every day as provided by law (78A-7-213), although the judge is not required to be present during all hours that the court is open.

3. The hours that the court will be open shall be posted conspicuously at the court and in local public buildings (78A-7-213).

4. The judge and the clerk of the court shall attend the court at regularly scheduled times (78A-7-213).

5. The entity creating the Justice Court shall provide and compensate a judge and clerical personnel to conduct the business of the court (78A-7-206 and 78A-7-207).

6. The entity creating a Justice Court shall assume the expenses of travel, meals, and lodging for the judge of that court to attend required judicial education and training. (78A-7-205).

7. The entity creating a Justice Court shall assume the cost of travel and training expenses of clerical personnel at training sessions conducted by the Judicial Council (78A-7-103).

8. The entity creating the Justice Court shall provide a sufficient staff of public prosecutors to attend the court and perform the duties of prosecution. (78A-7-103).

9. The entity creating the court shall provide adequate funding for attorneys where persons are indigent as provided by law (78A-7-103).

10. The entity creating the court shall provide sufficient local law enforcement officers to attend court when required and provide security for the court (78A-7-103).

11. Witnesses and jury fees as required by law shall be paid by the entity which creates the court (10-7-76 and 17-50-319).

12. Any fine, surcharge or assessment which is payable to the State shall be forwarded to the State as required by law (78A-7-120 and Utah Code § 78A-7-121).

13. Every entity creating a court shall pay the judge of that court a fixed compensation, within the range provided by statute (78A-7-206).

14. Court shall be held within the jurisdiction of the court, except as provided by law (78A-7-212).

15. The entity creating the court shall provide and keep current for the court a copy of the Utah Code, the Utah Court Rules Annotated, the justice court manual published by the state court administrator, the county, city, or town ordinances as appropriate, and other legal reference materials as determined to be necessary by the judge (78A-7-103)

16. All required reports and audits shall be filed as required by law or by rule of the Judicial Council (78A-7-215).

17. All justice courts shall use a common case management system and disposition reporting system as specified by the Judicial Council (78A-7-213).

18. An audio recording system shall maintain the verbatim record of all court proceedings (78A-7-103):

For Class I and Class II justice courts, the system must:

a. be a stand-alone unit that records and audibly plays back the recording;
b. index, back-up and archive the recording and enable the record to be retrieved;
c. have at least four recording channels;
d. have a one step "on" and "off" recording function;
e. have conference monitoring of recorded audio;
f. have external record archiving from the unit with local access;
g. be capable of being integrated with the courts public address system; and

For Class III and Class IV justice courts, the system must, at a minimum:

a. be a stand-alone unit that records and audibly plays back the recording;
b. index, back-up and archive the recording and enable the record to be retrieved;
c. have at least two recording channels.

In addition to those requirements which are directly imposed by statute, section 78A-7-103 directs the Judicial Council to promulgate minimum requirements for the creation and certification of Justice Courts. Pursuant to statute, the Judicial Council has adopted the following minimum requirements:

1. That the court be opened for at least one hour each day that the court is required to be open as provided by law. Additional hours of operation are specified in C.J.A. Rule 9-105.

2. That the judge be available to attend court and conduct court business as needed.

3. That the minimum furnishings for a courtroom include: a desk and chair for the judge (on a six inch riser), a desk and chair for the court clerk, chairs for witnesses, separate tables and appropriate chairs for plaintiffs and defendants, a Utah State flag, a United States flag, a separate area and chairs for at least four jurors, a separate area with appropriate seating for the public, an appropriate room for jury deliberations, and an appropriate area or room for victims and witnesses which is separate from the public

4. A judicial robe, a gavel, current bail schedules, a copy of the Code of Judicial Administration, and necessary forms and supplies.

5. Appropriate office space for the judge and clerk (under certain circumstances this space may be shared, but if shared, the judge and clerk must have priority to use the space whenever needed.) The office space shall include a desk for the judge and a desk for the clerk, secure filing cabinets for the judge and the clerk, a telephone for the judge and a telephone for the clerk, appropriate office supplies to conduct court business, a cash register or secured cash box, a typewriter or word processor, and access to a copy machine.

6. A clerk must be present during the time the court is open each day and during court sessions, as required by the judge.

7. The entity must have at least one peace officer (which may be contracted).

8. A court security plan must be submitted consistent with C.J.A Rule 3-414.

9. Each court must have at least one computer with access to the internet, and appropriate software and security/encryption technology to allow for electronic reporting and access to Driver License Division and the Bureau of Criminal Identification, as defined by the reporting and retrieval standards promulgated by the Department of Public Safety. In addition, all justice courts must use the CORIS case management system.

10. Each court shall report required case disposition information to DLD, BCI and the Administrative Office of the Courts electronically, as described in number 9 above.

The demeanor, knowledge, wisdom and fairness of Judge Michael P. Boehm, the consistent work of the Court staff and those who lend support or auxiliary services to the Court, as well as the skill and commitment of the City prosecutors, Edward R. Montgomery and Deborah A. Snow, are exemplary. Such has resulted in a standard of judicial service for the residents of the City to which every state, county and local government entity within the State of Utah should aspire. It is my opinion that given the past history of the Court and given a continued commitment by the South Jordan City Council and the City Administration, it is feasible that the City could continue to maintain a Justice Court that would not only meet minimal statutory standards, but continue to provide high quality judicial service to the residents of the City of South Jordan.

Sincerely,

Ryan W. Loose
City Attorney

Enclosure

cc: James M. Peters, Justice Court Administrator (with the Recertification Application)
File

ACTION ITEM - I: R2019-59, APPROPRIATION OF FUNDS FROM THE STORM WATER FUND FOR THE MILLERTON SYSTEM CHANGE

SOUTH JORDAN CITY
CITY COUNCIL REPORT

Council Meeting Date: October 15, 2019

Issue: Storm Water Fund Appropriation

Submitted By: Jason Rasmussen

Department: Public Works Department

First Reading Report Date: N/A

Staff Recommendation (Motion Ready): I move to **approve** Resolution R2019-59 to appropriate funds for two storm water projects from the storm water special service fund.

BACKGROUND:

Millerton Basin Project: City staff has evaluated options to mitigate the amount of standing water in the Millerton detention basins. The basins have been inspected and evaluated by City staff and an engineering firm over the past 3 years. The standing water comes from 2 sources; storm water and ground water. Due to the amount of water that collects at the basins from these two sources, the existing down well cannot and does not handle the amount of water, and therefore a significant amount of water is left standing in two of the basins. Residents in the area are concerned with the amount of standing water in the basins and have contacted the Daybreak HOA (landowner of basins) and the City with their concerns.

Chavez Drive Project: The original scope of this project was to repair 500 feet of existing storm pipe. After further inspections in the area, it was determined an additional 500 feet of pipe on Douglas Drive (connects to Chavez Drive) needs to be replaced.

TEAM FINDINGS, CONCLUSIONS & RECOMMENDATIONS:

FINDINGS:

- Millerton Basin Project: City staff has evaluated options to reduce standing water in the basins. An opportunity exists to reroute storm water that flows into the Millerton basins to a different storm water detention basin. This will eliminate one of the sources of water in these basins and should significantly reduce the amount of standing water in the basins.
- Chavez Drive Project: Due to the condition of storm pipe in need of repairs/replacement and additional length of pipe needed to be replaced, additional funding is needed to complete for pipe replacement.

CONCLUSIONS:

- Funding of the two projects will allow for continued storm water management and address two specific issues within the storm water infrastructure.

RECOMMENDATIONS:

- Approve Resolution R2019-59.

FISCAL IMPACT:

- Millerton Project - $720,000
- Chavez Drive Project - $40,000

ALTERNATIVES:

- Not approve funding for projects.

SUPPORT MATERIALS:

- N/A

City Council Action Requested:  10/9/19

Department Head Date

RESOLUTION R2019 - 59

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, TO APPOPRIATE FUNDS FOR TWO STORM WATER PROJECTS FROM THE STORM WATER SPECIAL SERVICE FUND.

WHEREAS, the City of South Jordan (the "City") owns and maintains storm water infrastructure to manage storm water and to protect real property; and

WHEREAS, the Public Works Department has identified two areas near Millerton Drive and Chavez Drive (respectively, the "Millerton Project" and the "Chavez Project") that need funding to address and correct certain issues within the City's storm water infrastructure; and

WHEREAS, the City Council of the City of South Jordan (the "City") finds that approving this Resolution will enhance the public health, safety, and welfare.

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

SECTION 1. Storm Water Fund Appropriation. The City Council authorizes the appropriation and expenditure of $760,000 from the storm water special service fund for the Millerton Project and the Chavez Project.

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

APPROVED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, ON THIS _____ DAY OF _____, 2019 BY THE FOLLOWING VOTE:

	YES	NO	ABSTAIN	ABSENT
Patrick Harris	____	____	____	____
Bradley Marlor	____	____	____	____
Donald Shelton	____	____	____	____
Tamara Zander	____	____	____	____
Jason McGuire	____	____	____	____

Mayor: _____ Attest: _____

Dawn R. Ramsey City Recorder

Approved as to form:

_____

Office of the City Attorney

PUBLIC HEARING - J: WESTWOOD HEIGHTS LAND USE AMENDMENT AND PROPERTY REZONE

SOUTH JORDAN CITY
CITY COUNCIL REPORT

Meeting Date: 10/15/19

Application: **WESTWOOD HEIGHTS LAND USE AMENDMENT AND REZONE**
Amending the land use designation from Office to Low Density Residential and rezoning from Residential (R-1.8) and Agricultural (A-5) to Residential (R-3).

Address: 3667 West 10200 South
File No: PLZBA201900483
Applicant: Leslie Mascaro, Wright Development

Submitted By: David Mann, Planner II
Presented By: Steven Schaefermeyer, Director of Planning

Staff Recommendation (Motion Ready): Based on the staff report and other information presented to the City Council during the public hearing, and the City Council's discussion, I move that the City Council **approve** Resolution R2019-41, amending the land use designation of the subject property from **Office** to **Low Density Residential**.

Staff Recommendation (Motion Ready): Based on the staff report and other information presented to the City Council during the public hearing, and the City Council's discussion, I move that the City Council **approve** Ordinance 2019-06-Z, rezoning the subject property from **R-1.8** and **A-5** to **R-3.**

STANDARD OF APPROVAL

Land Use Amendment: Upon satisfactory submittal of an application for a land use amendment, the Planning Department shall schedule a public hearing before the Planning Commission regarding the proposed land use amendment. Notice of the public hearing shall be provided in accordance with [S]ection 17.04.060 of [the City Code]. The Planning Commission shall receive public comment at the public hearing regarding the proposed land use amendment and make a recommendation on the amendment to the City Council.

(City Code § 17.12.050)

Rezone Application: The rezoning of property may not be considered if the proposed zoning does not conform to the [G]eneral [P]lan. The following guidelines shall be considered in the rezoning of parcels:

A. The parcel to be rezoned meets the minimum area requirements of the proposed zone or if the parcel, when rezoned, will contribute to a zone area which meets the minimum area requirements of the zone.
B. The parcel to be rezoned can accommodate the requirements of the proposed zone.
C. The rezoning will not impair the development potential of the parcel or neighboring properties.

(City Code § 17.22.020)

BACKGROUND

In 2017, a developer submitted an application (the "2017 Application") to change the land use and zone of the subject property located adjacent to Bangerter Highway and on the south side of 10200 South (the "Property") to single-family residential. The concept for the proposed subdivision that accompanied the 2017 Application included larger lots on the west side and smaller lots adjacent to Bangerter Highway. Neighbors raised concerns during the public meeting regarding the smaller lots and the Planning Commission recommended the City Council deny the 2017 Application, which it ultimately did.

During the review of the 2017 Application, Staff became aware that UDOT's plans to construct an underpass at the intersection of South Jordan Parkway and Bangerter Highway would impact the Property. After the City Council denied the 2017 application, UDOT purchased the Property. This Applicant is in the process of purchasing the Property from UDOT, minus the area needed for the future Bangerter Highway construction.

On June 18, 2019, the Applicant submitted a complete application seeking approval to rezone the Property. The Applicant initially presented a concept plan to the Planning Commission on August 13, showing a maximum 11-lot single family residential subdivision that would be allowed under the R-2.5 zone designation. The Applicant amended their application before the scheduled City Council meeting, changing their rezone proposal to R-3 in order to potentially develop a 12-lot subdivision. The Planning Commission reviewed the application on September 24, 2019 and recommended denial for both the land use amendment and rezone by a vote of 3-1. A description of the Property is as follows:

ACREAGE:		approx. 4.2 acres
CURRENT ZONE:		R-1.8 & A-5
CURRENT USE:		Vacant
FUTURE LAND USE PLAN:		Office
NEIGHBORING LU DESIGNATIONS, (ZONING)/USES	North -	Low Density, (R-2.5) / Jones Farm West Subdivision
	South -	Office, (P-O) / Office Complex
	East -	Low Density, (R-2.5) / Jones Farm 3 Subdivision
	West -	Rural, (R-1.8) / Whispering Sands Subdivision

ANALYSIS

To rezone the Property to the R-3 Zone, the land use designation must change from Office to Low Density to be consistent with the proposed zone. There is not a minimum area requirement for any residential zone. The concept plan submitted indicates that a 12-lot subdivision meeting the requirements of the R-3 Zone could be developed on the Property if approved.

The density of the proposed concept is 2.69 units per acre which is less than the maximum density requirement for the R-3 Zone. City Code requires a minimum 10,000 square feet lot area in the R-3 Zone. The proposed concept shows 12 lots ranging in size from 10,023 to 16,941 square feet. A six-

foot tall masonry wall is required on the west side of the Property where there are gaps with no existing masonry wall, and on the south side along the adjacent office park development. There are existing waterlines along the west and south sides of the Property that will need to be accounted for on a subdivision plat. The Applicant is working with UDOT to incorporate a portion of UDOT's existing turnaround adjacent to Bangerter Highway into the concept. All the surrounding properties are already developed.

The Applicant told the City the reason for amending their application to increase the number of lots was to offset the cost of the required wall and relocation of the culinary water line along the west portion of the property. The Applicant reached out to the surrounding neighbors and found support for the proposal. Staff expressed concern about the amended proposal, informing the Applicant that there were no other adjacent developments with the R-3 zoning designation.

After some deliberation, Staff concluded that the proposed development's impact to the neighborhood would be negligible with an additional lot, and that the proposed land use anticipated R-3 zoning. Since all the surrounding areas have been developed, and the property borders a major transportation corridor, there was little concern that this proposal could be used as a precedent to allow more density in the area. The Planning Commission gave a recommendation for approval for the first proposal by a vote of 4-1 on August 13. When the new proposal came before the Planning Commission, it felt the economic reason for changing the proposal was not justified and worried it could be used as a precedent for future rezone applications.

STAFF FINDINGS, CONCLUSIONS & RECOMMENDATIONS:

Findings:

- Proposals for Zoning Amendments are legislative, whereupon the City Council has broad discretion in considering each proposal.
- The Applicant's 12-lot subdivision concept is consistent with the surrounding low-density residential neighborhoods.
- The concept plan demonstrates that the subject property can accommodate the requirements of the R-3 Zone, and the majority of the resulting lot size are larger than required in the zone.
- The surrounding properties north, south, and west of the subject property are already developed, so no development potential of neighboring properties will be impaired.
- Staff finds that the proposed zoning is appropriate for the area.

Conclusions:

Based on the findings listed above, Staff concludes that:

- The proposed land use amendment meets the standard of approval for amendments as outlined in Section 17.12.050 of the City Code.
- The proposed rezone meets the standard of approval for rezoning property as outlined in Section 17.22.020 of the City Code.

ALTERNATIVES:

- Deny the Application.
- Require modification(s) to the Application.

- Schedule the Application for a decision at some future date.

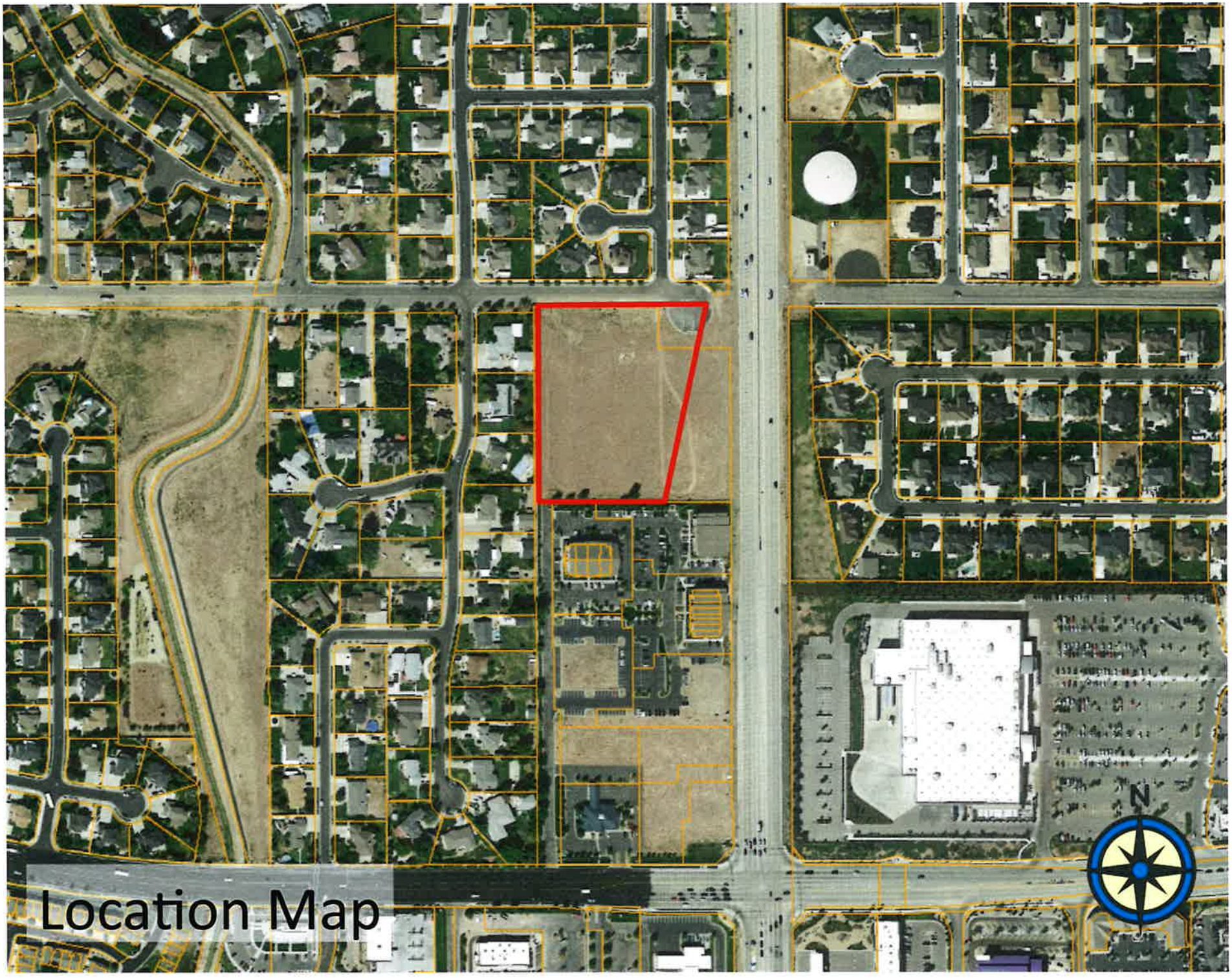
SUPPORT MATERIALS:

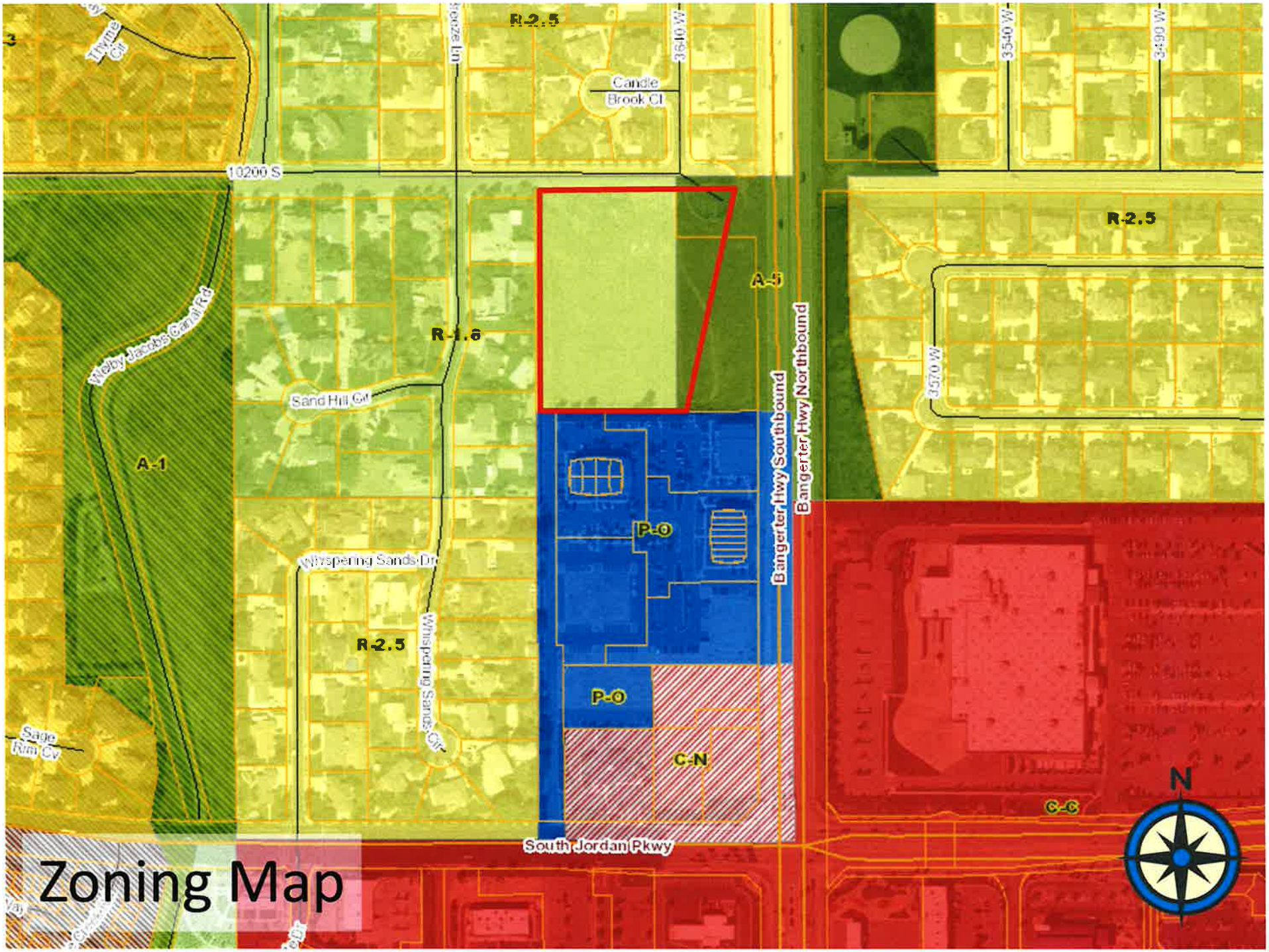
- Location Map
- Zoning Map
- Land Use Map
- Concept Plan
- Planning Commission Minutes from 8/13/19
- Planning Commission Minutes from 9/24/19
- Resolution R2019-41
- Ordinance 2019-06-Z

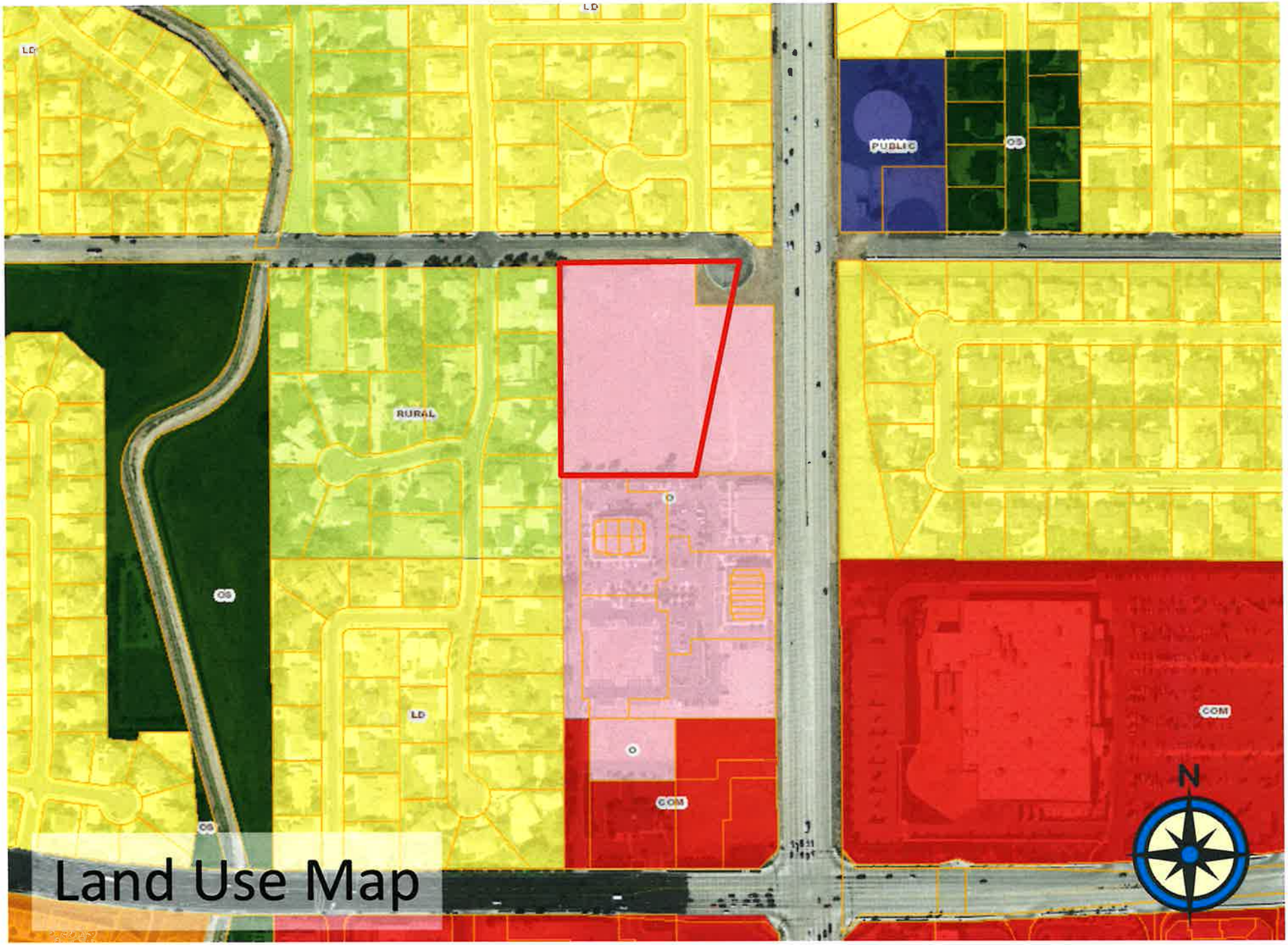
City Council Action Requested:

Director of Planning

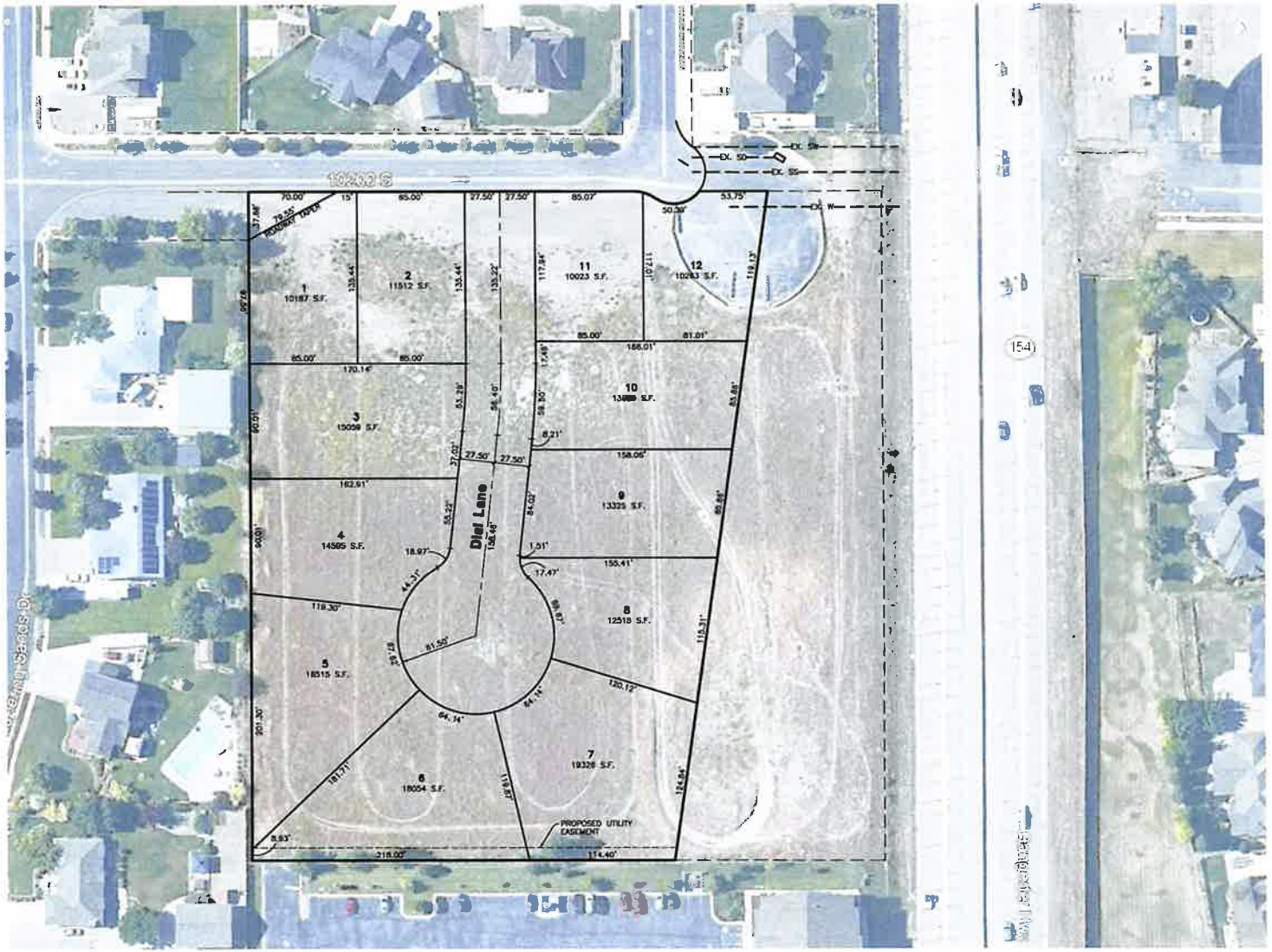
10-9-19
Date


N
Location Map


R-2.5
Thyme Cir
Candle Brook Ct
3640 W
3540 W
3490 W
10200 S
R-2.5
A-1
R-1.8
A-1
Welby Jacobs Canal Rd
Sand Hill Cir
Bangerter Hwy Southbound
Bangerter Hwy Northbound
3570 W
P-O
Whispering Sands Dr
R-2.5
Whispering Sands Cir
P-O
C-N
Sage Rim Cv
C-C
South Jordan Pkwy
N
Zoning Map



Land Use Map



10200 South Bangerter HWY

South Jordan City, Salt Lake County, Utah

Developer:
Wright Development Group
Leslie Mascaro
1178 W. Legacy Crossing Blvd, Ste. 100
Centerville, UT. 84014
(801) 773-7339

Revised: 8/28/19

Reeve & Associates, Inc.

REVISIONS	
DATE	DESCRIPTION
8/24/19	REMOVE 10007 PROPERTY
8/26/19	REVISE ROAD ADD LOT 11
8/28/19	R3 ZONING

10200 South Bangerter HWY
PART OF THE NW 1/4 OF SECTION 17, T4S., R1W., S.L.B. & M., U.S. SURVEY
SOUTH JORDAN CITY, SALT LAKE COUNTY, UTAH

Sketch Plan

Project Info.
Engineer: N. Reeve
Designer: C. Cave
Begin Date: 6/17/19
Name:
Number: 8407-21

Sheet 1 of 1 Sheets

THESE PLANS AND SPECIFICATIONS ARE THE PROPERTY OF REEVE & ASSOCIATES, INC., 5160 S. 1500 W., RIVERDALE, UTAH 84405, AND SHALL NOT BE PHOTOCOPIED, RE-DRAWN, OR USED ON ANY PROJECT OTHER THAN THE PROJECT SPECIFICALLY DESIGNED FOR, WITHOUT THEIR WRITTEN PERMISSION. THE OWNERS AND ENGINEERS OF REEVE & ASSOCIATES, INC. DISCLAIM ANY LIABILITY FOR ANY CHANGES OR MODIFICATIONS MADE TO THESE PLANS OR THE DESIGN THEREON WITHOUT THEIR CONSENT.

Commissioner Ellis made a motion to approve the conditional use permit File No. PLCUP201900514 based on the findings and conclusions listed by staff. Commissioner Hollist seconded the motion. Roll Call Vote was 5-0 in favor. Commissioner Haynes was absent.

E.1 Issue: JORDAN HILLS ESTATES – 1st AMENDED SUBDIVISION AMENDMENT
Location: 11542 South Equestrian Drive
File No: PLPLAPLA201900516
Applicant: Boyer Company

Planner Brad Sanderson reviewed the background information on this item from the packet staff report. The applicant is proposing to amend the Jordan Hills Estates subdivision by removing approximately .54 acres of property (parcel K) from the recently recorded Ridgepoint Master Plat and add this same property to the Jordan Hills Estates subdivision. If approved, Parcel K will be divided and proportionally consolidated into Lots 14, 15 & 25 of the Jordan Hills Estates subdivision.

Chairman Jolley asked if this involves any existing fences.

Planner Sanderson said it varies from property to property. There are some wire and some vinyl fences. There are no requirements to have a fence between these properties. The original plat did require a vinyl fence for properties abutting the canal. There is a city code requirement that states if the Planning Commission identifies a hazardous area then a fence could be required. That would be at your discretion if you wanted to make that a requirement along the canal.

Commissioner Hollist asked about access to the canal trail.

Planner Sanderson said this does not encroach on it. It is just a canal road. It could be future trail at some future time but that would be addressed if that happened.

Commissioner Hollist asked if the land owner to the south would still have access to it from their property. He spoke at the City Council meeting when Ridge Point went in.

Planner Sanderson said this would not affect any access anywhere to the canal road.

Chairman Jolley opened the Public Hearing. There were no speakers. He closed the Public Hearing.

E.2 Potential Action Item – (See VI.E.1)

Commissioner Ellis made a motion to approve the Jordan Hills Estates First Amendment subdivision, File No. PLPLAPA201900516 as proposed. Commissioner Hollist seconded the motion. Roll Call Vote was 5-0 in favor. Commissioner Haynes was absent.

VII. PUBLIC HEARINGS AND POTENTIAL **LEGISLATIVE ACTION ITEMS

**Legislative Action = More Discretion, Reasonably Debatable (Subjective Standard)

F.1 Issue: WESTWOOD HEIGHTS REZONE/LAND USE AMENDMENT LAND USE AMENDMENT AND REZONE
Location: 3667 West 10200 South
File No: PLZBA201900483
Applicant: Wright Development

City Planner Greg Schindler reviewed the background information on this item from the packet staff report. In 2017 a developer submitted an application to change the zone and land use of the subject property located adjacent to Bangerter Highway and on the south side of 10200 South to single family residential. The concept for the proposed subdivision that accompanied the application included larger lots on the west side and smaller lots adjacent to Bangerter Highway. Neighbors raised concerns during the public meeting regarding the smaller lots and the Planning Commission recommended the City Council deny the application, which it ultimately did. During that review staff became aware that UDOT's plans to construct an underpass at the intersection of South Jordan Parkway and Bangerter Highway would impact the property. After the4 City Council denied the 2017 application, UDOT ended up buying the property. This applicant is in the process of purchasing the property from UDOT, minus the area needed for the future Bangerter Highway construction. On June 18, 2019 the applicant submitted a complete application seeking approval to rezone the property. The applicant is seeking to develop a 10-lot single family residential subdivision. The rezone the property to the R-2.5 Zone, the land use designation must change from Office to Low Density to be consistent with the proposed zone. There is not a minimum area requirement for any residential zone. The concept plan submitted indicates that a 10-lot subdivision meeting the requirements of the R-2.5 Zone could be developed on the property if approved. They did provide a different concept plan than what was in your packet. The applicant was able to acquire part of the cul-de-sac and will not be used for any turnaround in the future.

Commissioner Hollist asked what the impact would be for the buildings in that area adjacent to Bangerter Highway.

City Planner Schindler the two buildings will be torn down. The Credit Union will stay. There is a vacant parcel that has had an application submitted to construct a building that matches the existing building.

Leslie Mascaro, Wright Development Group (Applicant), staff has been absolutely fantastic with their assistance throughout this process. There are just a few things I would like to comment on. When we put this under contract we worked closely with the City looked at potential uses on this parcel. We did consider office as one of the potential options but we knew transportation around it would be difficult for customers and employees in the area especially with no connectivity through the existing parcel to the south. We even reviewed meeting minutes from other applications. It seemed like the best scenario for this parcel would be for low-density residential. That is why we are requesting the R-2.5 zoning. All of our lots are over 12,000 and the majority are around 13-14,000. We are providing a public street that we will name Dial Lane to provide some healing in the area due to a recent loss.

Commissioner Holbrook asked if a frontage road was considered if they were to keep the property as office.

Ms. Mascaro said that would be too difficult because there is no connectivity to 104th. I feel like the residents would rather have rooftops that have the same height as the adjacent land uscs.

Chairman Jolley opened the Public Hearing.

Dean Pettit, SJC – I live in the subdivision to the west of this. Years ago we regretted allowing commercial behind us. Wadsworth is almost 2 ½ stories tall and is much taller than any residential home would ever be. I am in favor of staying residential the way it is and matches our existing neighborhoods. The retail price of the homes would all be compatible with our existing neighborhoods. Commercial would bring far too much traffic. Bangerter does not allow a frontage road there; it is not in the Master Plan. We would like to have UDOT put up a proper sound wall across the neighborhood area. I would be very much against any frontage or access roads across there.

Greta Betts, SJC – I live on Whispering Sands a well. My home is at the T-intersection. Since they put in the light it has made increased traffic through my neighborhood. We have been concerned with what would be developed on there and we are very much in favor of the proposal for residential homes with low density. We are comfortable with the 10 residential lots being proposed. Commercial would bring too much traffic.

Tracy Vandevart, SJC – I live on the corner right next to this. We have been here for 26 years, way before Bangerter. We are in favor of the residential housing and do not commercial office buildings.

Chairman Jolley closed the Public Hearing.

Commissioner Holbrook said it looks like you don't have to go through the neighborhood to get to the existing buildings. This will not connect to this piece of property and they will access it only from 102nd. You are putting in a neighborhood with one way in and one way out.

Commissioner Hollist asked when this was zoned to office.

City Planner Schindler said it is not zoned for office, the land use is for office and it has been that way for at least 15 years.

Commissioner Hollist asked what the buildable height is for commercial buildings. City Planner Schindler said the maximum height for residential is 35 feet. Office allows up to 6-stories but the setbacks go way up and I don't think that would work here. 3-stories would be possible here.

Commissioner Ellis said the R-2.5 density fits nicely here I think they have a great solution to a piece of land that was very hard to use. I like the proposal.

Commissioner Morrissey said I like to see the reduction from the last one. I like the size of the lots and the request to build houses with the R-2.5 that match the surrounding. It is a good fit.

Chairman Jolley said I think this is a much better scenario for the adjacent property owners vs. the last application from last year which was much higher density. This has been a difficult property and has had the opportunity to change to Office but no one has had interest.

Commissioner Morrissey said the changes with Banger has made it more difficult as well. I think this is well thought out and it fits well.

Commissioner Holbrook said I know the residents don't want commercial and I can see why; however, we now have a development with only one way in and one way out. We have always wanted connectivity as part of our goal in the city plan and this doesn't meet it. The noise being next to Bangerter is a real issue.

F.2 Potential Action Item – (See VI.F.1)

Commissioner Ellis made a motion to approve the proposed Land Use Amendment from Office to Low Density Residential and approve the property rezone from R-1.8 and A-5 Zone to R-2.5 Zone. Commissioner Morrissey seconded the motion. Roll Call Vote was 4-1 in favor. Commissioner Holbrook was opposed and voted no. Commissioner Haynes was absent.

VIII. OTHER BUSINESS

A. General Plan Update Discussion, Logan Simpson Design Inc. (consultant)

A.2 Potential Action Item – (See VI.A.1)

Commissioner Holbrook made a motion to approve File No. PLSPR201900482, for construction of a new Unique Auto Body Site Plan/CUP at 11581 South Redwood Road. Commissioner Hollist seconded the motion. Roll Call Vote was 4-0 in favor. Commissioner Ellis was absent.

VII. PUBLIC HEARINGS AND POTENTIAL **LEGISLATIVE ACTION ITEMS

**Legislative Action = More Discretion, Reasonably Debatable (Subjective Standard)

B.1 Issue: WESTWOOD HIEIGHTS
LAND USE AMENDMENT & REZONE
Location: 3667 West 10200 South
File No: PLZBA201900483
Applicant: Leslie Mascaro, Wright Development

Planner David Mann reviewed the background information on this item from the packet staff report. I was in contact with the applicant right as we were preparing to take this to City Council, based on the previous recommendation of this body, and they were in discussions of changing their proposal from an R-2.5 Zone to the R-3 Zone so they could get one additional lot on the property. The reasoning for that change was to offset some of the costs that were required as part of the fencing that would need to be installed on the west and the south sides of this property. With that additional lot they felt more comfortable in moving forward and making this project work. When we initially heard this we were a bit concerned. There have been some discussions in the past about changing the zone of a property if there was not anything that was like it adjacent to it. As you can see on the zoning map, there were some R-2.5 zones to the north. There is some R-3 zoning further west as you get into the Glenmoor area but one of the concerns is often setting a precedent about continuing to increase the zoning as properties develop. In this situation there is not any property within over a mile that has potential to develop, so the likelihood that this would set a precedent is very unlikely. The applicant did contact the neighbors and were very forthright about what they were doing now so they could be very transparent with them. All comments I have heard from the residents were that they were content with the new proposal and were supportive of it moving forward. Staff is recommending approval to change this zoning from R-2.5 to and R-3 Zoning.

Commissioner Morrissey said prior to this applicant, the one that was submitted to us prior to the previous applicant, what was the previous applicant requesting as far as changing land use and zoning.

Planner Mann said I believe they were initially proposing and R-3 and then they changed to an R-4 zone. Part of that was they were having a mix of lot sizes. I believe it was for 16 lots on this property. It was a bigger proposal and more roads they were putting in. That was a lot of the concern back then. This is the updated proposal. They do have the one additional lot that is up against 10200 South. All of the other lots in the cul-de-sac area are all the same as their previous proposal.

Commissioner Morrissey asked how many potential lots they could potentially fit into this area if we did change it to an R-3. Planner Mann said this is the maximum with the R-3. With 12 units on the property that they have to work with it would be 2.69 units per acre density.

Commissioner Hollist said this is a 5 acre piece of land now so they couldn't go up to 15 or is it just not feasible with frontage and everything?

Planner Mann said the property was initially 5 acres but with the subdivision there will be that large swath up against Bangerter Highway and UDOT will hold onto that as part of their expansion of the intersection.

Commissioner Hollist asked for clarification on the extension of 10200 all the way to Bangerter.

Deputy Engineer Jeremy Nielson said that is for the off-ramp coming off of Bangerter. That is why they are holding onto that piece.

Commissioner Morrissey asked what evidence do you have that the residents are all in favor and approve of this change.

Planner Mann said I didn't include it in the packet but there was an email that was sent from one of the residents to the applicant, and they had talked to the other residents in the neighborhood, giving their feelings about this. All of the residents I had heard from gave no objection and I have not received any calls opposing this proposal.

Chairman Jolley said you were talking about fencing that would be eliminated on the west and south side, is there any current fencing right now.

Planner Mann said on the west side there is currently some masonry fencing that they could use and then fill in some of the gaps. Those properties do qualify for farm animal rights. There is currently a vinyl fence on the south side that they would need to replace.

Chairman Jolley said in that entrance down in the lower left hand corner on the south west corner, will that be barricaded off from the office part? Planner Mann said yes. I believe the intent was, because this was originally an Office Zone, was that as it was developed in the future to provide access for any future office buildings to be built there. With the masonry wall being installed there that would be shut off. A masonry wall is required on the south side because you have residential up against office.

Commissioner Hollist asked if lot 12 existed when we saw this the last time? Planner Mann said lot 12 was then lot 11 when you saw it last time.

John David Jorgensen, filling in for Leslie Mascaro who was here last time you saw this. We don't like to come back and ask for a change after we have already submitted an application. The requirement for the fencing and some water lines that will need to be moved adds a big expense to us. In order to make the project viable we did cut that one property into two lots. That would just be an expansion of one additional lot. The general land use map had initially identified this as office. I think the reasoning behind that was there was an underpass intended that would connect 10200 South across Bangerter; since that is no longer the case, we feel that single family homes would be a much better use than office there. The neighbors have voiced that is their preference as well.

Chairman Jolley asked if they have had a public meeting with neighborhood residents.

Mr. Jorgensen said I am not certain if there has been any meetings. I know that she has had conversations with them after the last meeting and has been in touch with emails and phone calls.

Commissioner Hollist asked if the requirement for the wall was unexpected.

Mr. Jorgensen said we didn't know that it was required to the extent that it does. I don't know all of the details. I do know it something we were not aware of. Moving the water lines will likely be a larger expense.

Chairman Jolley said you are talking about moving the water line on 10200 south because that road will not be as wide as 1, 2 and 11.

Mr. Jorgensen said I am not entirely sure but that sounds accurate.

Deputy Engineer Nielson said I am looking as GIS maps and there is a water line that is about 20 feet off of their western boundary and goes north to south across the whole property. I am guessing that is the water line they are referring to. That would be going right through the rear yards of those homes on the west side of the cul-de-sac.

Mr. Jorgensen said one is the city culinary and one is with the Fractional Water Users Association.

Commissioner Hollist asked if the road out front meets the standards required for the area and couldn't that create a problem for flow through there?

Deputy Engineer Nielson said the cross-section of the road is all over when you look at 10200 south. At one point in time I believe the city was planning for it to go under Bangerter but now it is not. Now it is like a residential street. Doing the taper and constricting that roadway we are not concerned about that.

Mr. Jorgensen said my understanding was that the city was recommending that we narrow the right-of-way there.

Chairman Jolley said they will still require city sidewalks there won't they. Deputy Engineer Nielson said it will be a typical residential width street and the volumes on the road will be residential volumes. It will be a 55 foot road.

Chairman Jolley opened the Public Hearing to comments.

Dean Pettit, South Jordan, we were at the last Planning meeting on this and Leslie has been up front with all of us on this proposal. We have talked to a number of neighbors and talked with the neighborhood watch committee. The neighbors that adjoin this property are in favor of putting residential back there. Because of the nature of the road being changed from a thru street several years ago to now a residential road, it does not lend to a future business development. If business were put back there you would have a lot of protests. The way that Bangerter Highway is developing it is conducive to put residential there anyway. Bangerter has taken a big chunk of property on the east side of that and the road continues to taper off. The home that is on the north side of that is owned by UDOT. That taper continues right up to where it joins the Bangerter Highway. While attending the meetings regarding the intersection that is happening at 10400 South, Bangerter basically shifts to the west and that is why the additional property is required from UDOT. Leslie has been open with us and even with the one more lot this is favorable to us as neighbors.

Greta Betts, South Jordan, I live on Whispering Sands and I am affected by this property. I reached out to Leslie when the sign first came up and since that first contact she has been good at connecting with us as a neighborhood. When this change came about, she immediately called me and I wanted to let you know they have been forthcoming and open with what their intentions are. My intention in coming tonight was to make sure that they didn't pull a "bait-n-switch" and have additional lots added. It was good to hear tonight that this is the maximum number of lots they can put in. That is exactly what Leslie said their intentions were. I told her I would be in support of it with the additional lot. The neighbors around me support this and the email that

was sent around was from me. I have a lot of family that lives on that street and I am support in this proposal. I am not in favor of office.

Tracy VanderVaart, South Jordan, I have a problem with this 1-2 lot. There is a zig-zag sidewalk along there. Why are they not making it level with the street? The other issue I have is that at some point when 10400 S gets done they will limit access to right turn only from where the Credit Union and offices are. I only want to see residential in the area and I don't like the sidewalk.

Chairman Jolley closed the Public Hearing.

Chairman Jolley said it looks like we have some comments from some of the residents and it appears that they are all on board with residential. He asked Deputy Engineer Nielson to describe how that sidewalk will be built for the resident there on the corner so they understand what is going on.

Deputy Engineer Nielson said the width of 10200 south varies as you go up and down and in that area to the west it is about 80 feet wide and there is no need for that wide of a road. We think it is best to taper the road in. The sidewalk, curb and gutter and the road would be restricted and take an angle and go to a width of about 55-feet. When we get the site plan there will be a lot more details to that.

Chairman Jolley said so you are saying the sidewalk will continue on it will just have a meander there.

Deputy Engineer Nielson said yes; it will keep a 6 foot wide sidewalk and a 5 foot wide park-strip with trees and everything will take an angle and there will be less asphalt.

Commissioner Hollist said can you explain to us what is happening with UDOT and what businesses will be affected by this underpass.

Deputy Engineer Nielson said those two businesses are being acquired by UDOT. The reason for that, the entire intersection, all on ramps and off ramps, everything that is added to that interchange is being pushed to the west. It is not being widened around the centerline. The reason for that is because there is an aquafer. It is an 84 inch waterline, it's the Bureau of Reclamation and it is a very difficult waterline to work around. For that reason, that is driving the entire road width section to be pushed to the west. Those two businesses are being acquired by UDOT and also the two homes to the north of this subdivision have been acquired by UDOT.

Commissioner Hollist said to Planner Mann, you had commented that there is no land within a mile to be developed. What is the land just west surrounding the Welby Jacob canal just east of the Church. What is that land and why you are confident that won't be developed?

Planner Mann said that is City owned property. I believe we have a tree farm and plans for a potential park there. Right now the area is under City control.

Deputy Engineer Nielson said there is also a large storm drain facility.

Chairman Jolley said what are your thoughts regarding the issue of the R-3 zoning. We have surrounding zoning of R-2.5 and this is an isolated pocket. We don't like to see that; we like to see continuous zoning in adjacent properties, but there are some special circumstances here with this property. We are only adding one additional lot. The residents are for this proposal change and I don't have an issue with that.

Commissioner Morrissey said my initial reaction was reluctance to even consider this change based on previous discussions and previous proposals that have come before us. Based on the discussions today have been helpful and enlightening, especially with residents coming forth with some of their thoughts and recommendations for approval for homes in the area. With the limitation on the amount of homes that can be built there are only 2 additional lots. I could be persuaded to go either way. I would like to hear thoughts from the other Commissioners.

Commissioner Hollist said I am reluctant as well. I like to see the continuous zones and I like the bigger lots. I was not on the Commission when you saw the proposal for 16 lots that you discussed. Ultimately I would be reluctant to go with more than the R-2.5 and potential for setting a precedent.

Commissioner Holbrook said I still have a couple of my original concerns. The one is that we require all other developments to have two entrances and this still only has one. The reason they want the higher zone was because of their expenses but decreasing your expenses shouldn't be a consideration to up-zone a property.

Chairman Jolley said it is a unique property and I think there is an opportunity for a second entrance. We are giving a recommendation to City Council. Regardless of the motion, this will go forward to City Council for their final decision. This originally came to us for 11 lots, they are now asking for 12. The surrounding residents are for this proposal and do not want office in this location.

Commissioner Hollist said my notes indicated that when this came to us before it was for 10 lots.

Planner Mann said just to clarify, the concept that was presented to Planning Commission last time was for 11 lots. They were showing the portion where the turn-a-round is as a potential lot. Now they are going from 11 to 12 lots.

Chairman Jolley asked if the cul-de-sac is currently owned by the city. Planner Mann said yes. If the rezone were approved, they would need to come back before the City Council to have Council approve vacation of that lot.

B.2 Potential Action Item – (See VI.B.1)

Commissioner Holbrook made a motion that based on the staff report and other information presented during the public meeting to us the Planning Commission forward a recommendation to the City Council to Deny the proposed land use amendment from Office to Low Density Residential and rezone from R-1.8 and A-5 to R-3. Commissioner Hollist seconded the motion. Roll Call Vote was 3-1 to Deny. Commissioner Jolley voted No and Commissioner Ellis was absent.

VIII. OTHER BUSINESS

None

ADJOURNMENT

Commissioner Hollist motioned to adjourn the September 24, 2019 Planning Commission meeting. Commissioner Holbrook seconded the motion. Vote was unanimous in favor. Commissioner Ellis was absent.

RESOLUTION R2019-41

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, AMENDING THE LAND USE DESIGNATION ON A PROPERTY APPROXIMATELY LOCATED AT 3667 WEST 10200 SOUTH FROM OFFICE TO LOW DENSITY RESIDENTIAL.

WHEREAS, the City Council of the City of South Jordan ("City Council") has adopted the Future Land Use Plan Map of the General Plan of the City of South Jordan ("Land Use Map"); and

WHEREAS, the Applicant, Leslie Mascaro of the Wright Development Group, requested that the City Council amend the Land Use Map by changing the land use designation on property generally located at 3667 West 10200 South from Office to Low Density Residential; and

WHEREAS, the South Jordan Planning Commission reviewed Applicant's proposed amendment and made a recommendation to the City Council; and

WHEREAS, the City Council held a public hearing concerning the proposed amendment; and

WHEREAS, the City Council finds that amending the Land Use Map as proposed by the Applicant will enhance the public health, safety and general welfare, and promote the goals of the General Plan.

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

SECTION 1. Amendment. The land use designation of the Land Use Map of a portion of property described in Application PLZBA201900483, which is located generally at 3667 West 10200 South in the City of South Jordan, Utah, is hereby changed from Office to Low Density Residential as shown in **Exhibit 1**.

SECTION 2. Severability. If any section, clause or portion of this Resolution is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

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 _____, 2019 BY THE FOLLOWING VOTE:

	YES	NO	ABSTAIN	ABSENT
Patrick Harris	____	____	____	____
Bradley Marlor	____	____	____	____
Donald Shelton	____	____	____	____
Tamara Zander	____	____	____	____
Jason McGuire	____	____	____	____

Mayor: _____ Attest: _____

Dawn R. Ramsey City Recorder

Approved as to form:

_____

Office of the City Attorney

EXHIBIT 1

(Land Use Amendment)

EXHIBIT 1

(Land Use Map)

ORDINANCE NO. 2019-06-Z

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, REZONING PROPERTY APPROXIMATELY LOCATED AT 3667 WEST 10200 SOUTH FROM THE A-5 AND R-1.8 ZONES TO THE R-3 ZONE.

WHEREAS, the City Council of the City of South Jordan ("City Council") has adopted the Zoning Ordinance of the City of South Jordan (Title 17 of the City Code) with the accompanying Zoning Map; and

WHEREAS, the Applicant, Leslie Mascaro of the Wright Development Group, proposed that the City Council amend the Zoning Map by rezoning the below-described property; and

WHEREAS, the South Jordan Planning Commission reviewed the proposed rezoning and made a recommendation to the City Council; and

WHEREAS, the City Council held a public hearing concerning the proposed rezoning; and

WHEREAS, the City Council finds that the rezoning will enhance the public health, safety and welfare and promote the goals of the General Plan.

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

SECTION 1. Rezone. The property described in Application PLZBA201900483 located in the City of South Jordan, Utah is hereby reclassified from the A-5 and R-1.8 Zones to the R-3 Zone on property described in the attached **Exhibit A**.

SECTION 2. Filing of Zoning Map. The Official Zoning Map showing such changes shall be filed with the South Jordan City Recorder.

SECTION 3. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance and all sections, parts, provisions and words of this Ordinance shall be severable.

SECTION 4. Effective Date. This Ordinance shall become effective immediately upon publication or posting as required by law.

[SIGNATURE PAGE FOLLOWS]

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, ON THIS _____ DAY OF _____, 2019 BY THE FOLLOWING VOTE:

	YES	NO	ABSTAIN	ABSENT
Patrick Harris	____	____	____	____
Bradley Marlor	____	____	____	____
Donald Shelton	____	____	____	____
Tamara Zander	____	____	____	____
Jason McGuire	____	____	____	____

Mayor: _____
Dawn R. Ramsey

Attest: _____
City Recorder

Approved as to form:

_____
Office of the City Attorney

EXHIBIT A

(Property Description)

A tract of land being situate in the NE1/4 NW1/4 of Section 17, Township 3 South, Range 1 West, Salt Lake Base and Meridian. The boundaries of said tract of land are described as follows:

Beginning at the intersection of the northerly boundary line of said entire tract and the westerly highway right of way and no-access line of SR-154 (Bangerter Highway), which point is 150.07 feet N.89°57'00"W along the section line and 137.80 feet South and 108.86 feet N.89°57'00"W. along an extension of the northerly boundary line of said entire tract from the north quarter corner of said Section 17; and running thence S.08°09'01"W. 391.81 feet along said westerly highway right of way and no-access line to a point in a southerly boundary line of said entire tract; thence N.89°57'00"W. 332.40 feet along said southerly boundary line to the southwest corner of said entire tract; thence N.00°01'51"W. 525.70 feet along the westerly boundary line to the northerly boundary line of said entire tract; thence S.89°57'00"E. 316.18 feet along said northerly boundary line; thence S.00°01'59"E. 137.80 feet along an easterly boundary line; thence S.89°57'04"E. 71.98 feet along the northerly boundary line to the point of beginning.

The above described tract of land contains 183,321 square feet in area or 4.208 acres.

