

SOUTH JORDAN CITY
CITY COUNCIL SPECIAL STUDY MEETING
OAK CONFERENCE ROOM

May 2, 2016

Present: Council Member Patrick Harris, Council Member Brad Marlor, Council Member Chris Rogers, Council Member Tamara Zander, CM Gary Whatcott, Fire Chief Andy Butler, Administrative Services Director Dustin Lewis, Police Chief Jeff Carr, City Attorney Ryan Loose, City Commerce Director Brian Preece, Strategic Services Director Don Tingey, Development Services Director Brad Klavano, COS Paul Cunningham, Finance Director Sunil Naidu, Public Works Director Jason Rasmussen, CT Director Jon Day, Communications Coordinator Tina Brown, City Planner Greg Schindler, City Planner Jake Warner, City Recorder Anna West

Absent: Mayor David Alvord, Council Member Don Shelton

STUDY SESSION – 6:30 AM

Council Member Marlor made a motion to appoint Council Member Harris as Mayor Pro tempore for today's meeting. Council Member Rogers seconded the motion. Vote was unanimous in favor.

CM Whatcott noted that they will need a Mayor Pro tempore nominated for tomorrow's meeting and someone to sign bond documents in the Mayor's absence.

Council Member Marlor made a motion to appoint Council Member Rogers as Mayor Pro tempore for the May 3rd Council meeting and Council Member Tamara Zander as Mayor Pro tempore to sign bond documents. Mayor Harris seconded the motion. Vote was unanimous in favor.

Mayor Pro tempore Harris welcomed everyone and noted that Council Member Don Shelton is not present. He was scheduled for today's invocation. He asked CM Whatcott to do the invocation.

A. Invocation: *By Council Member Don Shelton*

Invocation was given by CM Whatcott.

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

1. Elect Mayor Pro tempore for meetings

This was done at the beginning of the meeting.

Mayor Pro tempore Harris asked if everyone has reviewed the packet and if there were any questions. Council Member Rogers said he had a few questions. On presentation item #4, what exactly are they coming here to do?

4. UDOT/HDR Environmental Impact Study and Public Comment Period for 11400 South and Bangerter. *(By Melissa Phillips, Strategic Communications Manager)*

CM Whatcott said they are just coming to highlight the meetings and public hearings that were held and the information the collected from the meetings.

Council Member Zander asked if they are still open to discussion on their plans.

Director Brad Klavano said this is just the environmental stage so they just take public comments and they will address them in the environmental documents. They will have two or three options in there and my goal is to get their preferred option. He said Gary and I have a meeting with them in a couple weeks.

Council Member Zander asked if we should say something tomorrow night letting them know we are all on board with the same plan. Mr. Klavano said they have heard you say that already but it wouldn't hurt to say it again in the public meeting.

Council Member Marlor asked if they will try to ding us on that. Mr. Klavano said we may have to contribute a little bit on the drainage, but they made commitments to take it under and if it costs a few bucks more they should really pay for that. The estimates are about 3 million more to go under. They want the bidder to tell them what the cheapest option is and we are nervous about that so we really want them to have language that says what they are going to do. Right now they are trying to show the worst case scenario which would be 18 homes but they could narrow it to 8-10 homes. They like to follow federal highway guidelines even though it isn't a federal highway because they get federal money to help maintain roadways so they have a process they have to go through.

Council Member Harris asked how UDOT is communicating information to the public.

Director Klavano said they had their open house and they have heard the concerns of the public. You can make comments on their website. CM Whatcott said Tina has been coordinating with UDOT's PIO's and their Media people.

Communications Coordinator Tina Brown said we have links on our website that will take people their website to make comments and we have sent out information in newsletters trying to reach everybody.

CM Whatcott said with regards to the 106th project, they are only tearing out gutters and sidewalks in certain locations so it is really just a re-pavement and restructuring of the asphalt. It may not be as impactful on 106th South.

Mayor Pro tempore Harris asked if there were any other questions regarding the packet.

Council Member Rogers said he had a question regarding Ordinance 2016-05 on the performance zoning. He said he liked what has been done but has questions on the PD district language. He said on page 122 of the Council Packet – I want to make sure I understand if a developer comes in and asks for the PD District in a CC Zone and they want a PD District Floating Zone this would be contingent on a development agreement. I am trying to avoid us rezoning to a PD District and then they sell it off or try to do something different than what was in the development agreement.

City Attorney Loose said the procedure on those are always a bit tricky from the stand point that the Planning Commission does not need to see the development agreement because they have no part in it, but

for them to recommend anything, they really want to because the whole zone is contingent upon it. Generally we try to get development agreements in situations like this with the rezone. It should be signed by the developer just before it hits the City Council so that you have the final agreement from their standpoint. We list the approval of the development first, prior to the rezone then if the rezone is granted it attaches to the development agreement.

Council Member Rogers asked what happens to the PD District if the developer doesn't vest in the development agreement. City Attorney Loose said it reverts back to the underlying zone.

Planner Jake Warner said we did play with this a bit between Legal and Planning. Under that same section it states if they do not start the project under the Performance Development District, they can still develop under the underlying base zone. Once they start the project then they are vested and tied to the development agreement. They can't piece meal it once they start the project. This will be monitored under site plan approval stage.

Mayor Pro tempore Harris asked if there is any chance a developer can force us to do something unforeseeable. City Attorney Loose said no; it would be just the opposite. You just have to have a good reason to deny. I believe there would be fewer problems.

C. Staff Item: Ordinance 2016-15, amending 17.98.050 Application Review and Noticing Procedures. *(By Brian Preece & Legal)*

Director Brian Preece said this is a conceptual conversation. This is regarding notification for home occupation businesses. In the past we had just a 300 foot notice similar to all of the other notices. Council felt like that was not quite adequate so it was changed to 300 feet and within the subdivision. In smaller subdivisions it was about the same but in subdivisions like in Daybreak you could end up notifying 300-400 people for a home occupation and it was very costly to do those notices. We continued to get complaints from the applicants and from the people getting the notices. The legislature has brought up bills to kill the municipalities ability to regulate home occupations based on their impact. South Jordan has been used as an example, along with other cities, as a hard place to get a business license. We have a couple of options. We can leave it the way it is or we can take it back to the way it was and just require 300 feet for any application. There are at least two to three people operating without a business license for every one that applies for a license. We don't know they don't have a license because they are not impacting their neighbors. Some companies come in to apply only because of the nature of their business that requires them to have a business license. I would suggest we go back to the 300 ft. notice for businesses that require folks coming to their home. We regulate the number of trips per day to 6. If we get complaints, we can handle that through the complaint process. We can deny the business license if the complaint is a substantial reason. Then it can go to the Planning Commission to be heard. To my knowledge I am not aware of anyone that has gone to the Planning Commission that has been denied at that level.

City Attorney Loose said we did a quick review of other cities around us and Riverton has a 300 ft. notice requirement, but Herriman, Draper, West Jordan, Midvale and Salt Lake City do not have a notice requirement. It gets back to the concept of for Administrative Items that go to the Planning Commission which holds Public Hearings, we have decided even though public clamor doesn't weigh in a lot but we learn a lot. We learn where ditches are, we learn where different things are in the development sites. What are we learning on the Business License Home Occupation side that makes it worth the money to send the notices?

Mr. Preece said with the new business license ordinance that goes into effect on July 1st, we will be standing the cost of sending the notices. That would be 200-300 dollars per application and we have a couple hundred applications per year. Home businesses turn over quickly.

City Attorney Loose said regardless of the time and expense, there is a question of how much public clamor helps on a business license application.

Council Member Rogers asked what the recourse is if someone gets their business license but then they have excessive people showing up to their home. Mr. Preece said if it is one that we know we have allowed people to come, they are allowed 6 trips per day, if we get complaints we notify Code Enforcement to follow up and check it out. We could revoke that Business License. We have had them sign an affidavit and that has helped. They can go through the appeal process we have in place.

Mr. Preece said this isn't an item in the Land Use Ordinance. Ryan and I talked about taking out the notification portion of this from the Land Use Ordinance and putting it in the Business License that would make it easier to tweak in the future so this wouldn't have to go through the Planning Commission.

City Attorney Loose said if we don't change it we are going to continue this noticing and those requirements and we wanted you to tell us if the benefits you are seeing from them outweigh the cost.

Mr. Preece said the options are to continue the way we are, or go back to where all applications are notified within the 300 feet or on the impact businesses where people come to the home can have a notification and the businesses without impact we don't do a notification.

Council Member Zander agreed that if there is no impact the neighbors don't need to be notified, but if there is an impact the neighbors absolutely should be notified. I am in favor of saying lets notify the neighbors if there is an impact.

Mr. Preece said it is simple. Either people come to the home or they don't. If one person per day or a maximum of 6 per day, then they have an impact.

Mayor Pro tempore Harris said I think we should stop the notifications due to the cost.

Council Member Marlor asked Brian what his recommendation is. Mr. Preece said we hadn't thought about doing no notification. City Attorney Loose said I would recommend we will bring back to you a draft ordinance with enough notice on those impactful businesses like Daycare and Preschool; there may be a gray area on a few businesses but the majority of home occupations will have no notice.

Mayor Pro tempore Harris said if there is anything from the past that has been a controversial home business, have that be on the list.

City Attorney Loose said we will bring the ordinance back within a month or two.

D. Discussion Item: Youth Council. *(By Administrative Director Lewis)*

Administrative Director Dustin Lewis said we discussed the board and commissions a couple weeks ago and one of the items you didn't see was the Youth Council. The reason for that is as we looked at all of the boards, committees and groups and applied the Policies and Procedures Guide to those groups we started to running to some issues with the Youth Council. All of the other groups are designed to be advisory to the City Council and the Youth Council wasn't intended to be an Advisory Board to you. We

found that their terms are for one school year all the other boards and commissions run concurrent with each of your four year terms. That brought up the issue of how they get appointed and issues with the Open Meetings rules and noticing of the meetings through the City Recorder's Office. We are dealing with minor aged groups and as an open meeting it would be open to anyone in the community wanting to attend and we felt that would be safety concern. We looked at some alternatives to making them an Advisory Board to you and we identified doing the Youth Council as we have some of our other Programs like our Soccer Program. We get 1300 applicants and they are organized into teams and we have a dedicated program coordinator that oversees the program and works to recruit coaches. In many ways the Youth Council could be managed very similar to our recreation programs where if we assign one of our Program Coordinators to administer that program and work to recruit other volunteer coordinators we would be able to do the background checks and register them as volunteers. What I have given you today is a Youth Council Program Overview (Attachment A) of what the Youth Council Program could be with By Laws and potential calendar outlining what the programming would be for the year. It would allow us to better provide an experience for these youths to be involved in the community which supports the Strategic Initiative of the Engaged Community and we would be able to use the South Jordan University curriculum, which would give them access to Senior Leadership as well as the Mayor and City Council. Over the course of the year they would have lots of opportunity to interface and learn about how the City works as well as supporting them in their service opportunities in the community. Our recommendation to you is to have us run this as a program rather than an Advisory Board to the Council so they wouldn't be subject to the PPG guide that you have adopted.

Council Member Rogers asked Mr. Lewis to elaborate more on the insurance coverages for these volunteers. Mr. Lewis said anytime the City uses volunteers, the proper way to do that is they make application to the city, we review the position and have their background checked, drug screened, if we were to have them drive a city vehicle as part of that role to transport youth to certain events. We would be able to have them do the driving requirements we have and check their driving record. When they are signed off by the City Manager, then they are afforded the same protections that an employee would have for workers compensation coverage and liability coverage as long as they are doing this in the course and scope of that. We would develop a job description for the volunteer position so that we can clearly articulate what that scope is.

Council Member Zander asked who the volunteers would report to. Mr. Lewis said they would work with our Program Coordinator, Candy Ponzurick, who has been our staff liaison for a number of years. The Community Advisors that work with the Youth Council would report to her.

Council Member Zander voiced her concern with the Youth Council Members being in one area as opposed to other areas in our City. Mr. Lewis said that is a possibility, which would mean that some of you would need to review a lot more applications than others. Council Member Zander said she would want this to be offered through our City and not just from Bingham High School. Mr. Lewis said we actually have students that come from several different schools; they just have to live and reside in South Jordan City.

Council Member Marlor asked what the objective of this group is. Mr. Lewis said it will be structured to represent our City Government with a Mayor and Council but they are not designed to report to and advise you on youth issues. They will just be learning about the civic organization providing service in the community and to govern themselves with a replicated structure.

CM Gary Whatcott said the strength of this program is the curriculum. This will be a lot stronger in the civic engagement side. They have always had a strong service component to their program. I don't think they should ever stop coming in to report their activities to you as a group because I think they enjoy

coming and talking about the things they accomplish over the year. I like that it gives a lot more flexibility to provide different experiences for them from all government sectors in the community.

Mr. Lewis said we still plan to have them report annually to the Council so you are aware of what they are doing and it is also designed that the Mayor will be part of it by doing the swearing in ceremony at the beginning of their terms. It is designed to have Council Members come throughout the year and have a chance to interface with these youth and hear what they are thinking about.

CM Whatcott said the real benefit to us from a legal and risk standpoint is we have eliminated some of those problems that were hanging out there that could have been problematic for us including some protection for the leaders who are volunteering their time and efforts.

Mayor Pro tempore Harris said we should be careful with the service projects they do are in line with their fitness abilities. Mr. Lewis said the program coordinator will be the one to monitor the projects. We will do some training with them to be aware of these concerns.

E. Discussion Item: Purchasing Policy. *(By COS Cunningham & City Attorney Loose)*

COS Paul Cunningham said a group of us have been working on updating the City's Purchasing Policy for the last 7-8 months. He noted Nick, Kyle and Sunil from finance are the writers of this document. We thought it would be easier to give you an overview first (Attachment B) and then send you the 29 page document.

City Attorney Loose said we were going on a 10 year old policy and a lot of things have changed. The state changed their procurement; it used to be the City could opt in and do things the state way which has a lot of bureaucracy with it, or you could do your own.

COS Cunningham said under the state code we are obligated to adopt the state code unless we choose affirmatively not to be part of the state code. As we reviewed the state code and all of the recent changes there are some great ideas in there but not everything we read was appropriate for what we want here in the City. We decided the best thing would be to write our own policy and adopt as many of the good practices of the state code we thought were useful and keep the parts we thought should be unique to the City. This has to be done by policy and will come to you as a City-Wide Policy draft. We will send you a copy of the 29 page draft document for review sometime in the next week. He reviewed the PowerPoint (Attachment B) document page by page. He said we have very tight controls in our finance and auditing processes and there are a number of exceptions that are built into the system which you will see in the 29 page document. Most are at the City Manager Level. This process is very transparent for any audit review.

ADJOURNMENT

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

ADJOURNMENT

The May 2, 2016 City Council Special Study meeting adjourned at 8:00 a.m.

This is a true and correct copy of the May 2, 2016 Council Meeting minutes, which were approved on May 17, 2016.

Anna M. West

South Jordan City Recorder

City of South Jordan Youth Council Program Overview

Program Description: The Youth Council is a volunteer program for youth in the 9th to 12th grades who reside in the City of South Jordan. The Youth Council provides opportunities for leadership development training, interaction with city staff, exposure to local government operations, and provides avenues for civic engagement and community service.

Strategic Priorities: The City of South Jordan provides many programs and activities that promote the strategic priorities of the City. The Youth Council Program supports the Engaged Community strategic priority by providing opportunities for youth to participate in learning more about the local government structure and operation while providing opportunities for community service.

Program Elements:

- Youth are encouraged to make application to join the Youth Council in the spring of each year
- Youth have the opportunity to serve in leadership roles that include a Youth Mayor (1), Youth Council Members (5), a Youth Recorder (1), A Liaison (1), and Youth Executive Team (10)
- Participants engage in various community service activities throughout the year
- Council meetings are held twice a month and require a 70% attendance by council members

Program Costs: The program receives funding from the general budget.

Program Administration: The program is provided by the City under the direction of the Administrative Services Department and coordinated through one of the department's Program Coordinators. Additional volunteer advisors also participate to provide program support.

Addendums:

Youth Council Bylaws
Tentative Program Calendar

**BYLAWS OF THE
SOUTH JORDAN CITY YOUTH COUNCIL**

As adopted Xxx X, 2016

**ARTICLE I
PURPOSE**

The South Jordan City Youth Council ("SJYC") is established to help the City's youth develop leadership skills, provide practical local government knowledge and experience, and promote service opportunities for young people to benefit the community.

The Youth Council shall operate in accordance as specified in these bylaws.

**ARTICLE II
MEMBERSHIP**

Section 1. Establishment

SJYC comprises students who must:

1. Reside within the corporate limits of South Jordan City;
2. Be in the 9th, 10th, 11th, or 12th grade for the entirety of the member's service; and
3. Submit a complete application.

SJYC shall also include the following non-student members:

1. A Program Coordinator assigned by the City Manager, or his/her designee;
2. Volunteer Advisor(s)

Section 2. SJYC Service Terms

Members serve for a one-year term, but may serve multiple terms. Each term begins on May 1st and ends April 30th.

Section 3. Officers

SJYC shall have the following officer positions. Candidates must be nominated and elected annually by then-current SJYC Members during the May meeting. Officer terms run from election date to the following election date.

1. Youth Mayor: The duties of the Youth Mayor shall include: presiding at all meetings of the SJYC, coordination of all projects and activities that involved the SJYC, preparation of agendas for regular meetings, notifications to officers to contact and inform members of meetings and activities, and overseeing the efforts of the other officers. Candidates for Youth Mayor should have served at least two previous terms on the SJYC and should have previous experience as a Youth Council Member, Recorder, Liaison or Youth Executive Team Member.

2. Youth Council Member (5): The duties of the Youth Council Members shall include fulfilling the responsibilities of the Youth Mayor on a temporary basis in his or her absence, passing motions or resolutions as necessary by a simple majority vote, and following through on duties assigned by the Youth Mayor. To be considered as a Youth Council Member, the candidate should have served at least one previous term on the SJYC.
3. Recorder: The duties of the Recorder shall include taking role and minutes at SJYC meetings presenting them for approval at the next general meeting; ensuring that the proper records are kept of SJYC activities; keeping a record book of all official items and actions; and posting notice of all scheduled meetings. To be considered as the Recorder, the candidate should be at least a second year SJYC member.
4. Liaison: The duties of the Liaison shall include attending county and state youth council meetings in addition to meetings of the SJYC, and reporting to the Youth Mayor and Council Members the items from such meetings. To be considered as the Liaison, the candidate should be at least a second year SJYC member.
5. Youth Executive Team (10): To be considered as a Member of the Executive Team, the candidate should be at least a second year SJYC member.

Section 4. Oath of Office

The Youth Mayor, Youth Council Members, and the Youth Executive Team Members shall take the following Oath of Office following their elections:

I, (state your name), do solemnly affirm that while I serve as a member of the South Jordan Youth Council, I will uphold the laws of the City of South Jordan, act as an ambassador for the City at all times, and willingly participate in Youth Council sessions, trainings, projects and acts of service. I fully recognize that as member of the Youth Council, I will serve as an example to all, including future Youth Council Candidates. I therefore pledge to serve with care and concern for the reputation of the City of South Jordan, the Youth Council, and its advisors.

ARTICLE III MEETINGS AND RULES OF PROCEDURE

Section 1. Regular Meetings

The SJYC will meet at the South Jordan Community Center on the second and fourth Thursday of each month at 7:00 p.m., unless the time and location have been altered by the SJYC Mayor and notification given to all members.

Regular meetings may be suspended during the months of June, July and August to accommodate summer vacation from school.

Section 2. Special Meetings

Special meetings may be called by the SJYC Mayor. Also, meetings of various committees may be scheduled as appropriate.

Section 3. Attendance

Service on the SJYC is a serious commitment. Members are expected to be in attendance at each regular meeting, unless excused by an officer. Members must attend a minimum of 70% of meetings and service opportunities to remain in good standing of the SJYC. During each term of service, each SJYC member is also required to attend two City Council meetings.

Section 4. Conduct of Meetings

Meetings shall be conducted in accordance with Robert's Rules of Order. Robert's Rules of Order may be modified as deemed necessary for the effective conduct of business.

Section 5. Voting and Quorum

Business of the SJYC can be conducted at any meeting where at least half of the members are present. Affirmative votes may be taken by a simple majority of those present. However, removal of a member or officer requires a two-thirds majority of those present.

**ARTICLE IV
AMENDMENT OF BYLAWS**

Amendments to these bylaws may be suggested by City Staff, the Program Coordinator, Volunteer Advisors, and/or a majority vote of Youth Council members. The bylaws may be amended or repealed by the City Manager, or designee.

Youth Council Program – Tentative Calendar

April

1st Meeting Call for Applications
 New Officer Elections
2nd Meeting Awards Meeting

Community Service: Easter Egg Scramble
** Youth Council Mayor's Report to City Council in a City Council Meeting

May

1st Meeting Volunteer Orientation / Council Expectations
 Swearing in of Officers and Members
2nd Meeting SJU – Administrative Services (Events and Recreation)

Community Service: Miss South Jordan Pageant

June

Executive Team Meeting (dates TBD)

Community Service: Summerfest Event

July

Executive Team Meeting (dates TBD)

Community Service: Fun at the Farmstead Event, Gale Center Anniversary

August

4th Thursday – Opening Social

Community Service: Farmers Market Events, Quilt Show

September

1st Meeting SJU – City Manager's Office
2nd Meeting Topic TBD by Youth Council

Community Service:

October

1st Meeting SJU - Police
2nd Meeting SJU – Discussion with a City Council Member

Community Service: Farmers Market Events, Photo Booth Fun, Pumpkin Decorating, SoJo Marathon

November

1st Meeting SJU - Fire
2nd Meeting Thanksgiving – No Meeting

Community Service:

December

1st Meeting SJU – Public Works / Parks
2nd Meeting Christmas Break - No Meeting

Community Service: Light the Night Event

January

1st Meeting SJU – Community Development / Engineering
2nd Meeting SJU – Economic Development

Community Service:
** Legislative Day Activity

February

1st Meeting SJU – Administrative Services (EM & Risk)
2nd Meeting Topic TBD by Youth Council

Community Service:

March

1st Meeting SJU – Legal / Courts
2nd Meeting Youth Council Training Conference in Logan

Community Service:

Purchasing Policy Overview

Presented By:

Paul Cunningham, Chief of Staff

Ryan Loose, City Attorney

Sunil Naidu, Chief Financial Officer/Budget Officer



City of South Jordan Purchasing Policy

- ▶ Why change the City's current policy?
 - Per State Code 63G-6a-104(13) City may adopt own policy by ordinance.
 - Current policy created in 2007.
 - Take advantage to changes in state law.
 - Update best practices.



Bid Thresholds

- ▶ These thresholds are consistent with other cities and have worked well.
- ▶ The formal bid threshold is **UNCHANGED** at \$25,000.00.
- ▶ The Department Director approval threshold is **UNCHANGED** at \$5,000.00.



Overview of Changes

- ▶ Formation of a Internal Staff Purchasing Committee:
 - Provide oversight to the City's purchasing functions.
 - Propose and evaluate changes to the City's Purchasing Policy.
- ▶ Request for Information (RFI):
 - This process is transparent and allows the City to solicit information.



Overview of Changes

- ▶ Added policy and procedures for obtaining formal quotes.
- ▶ Updated and clarified policy and procedures for prequalifying vendors.
- ▶ Updated and clarified processes for dealing with errors and disqualifying bids.
- ▶ Added non-disclosure and conflict of interest requirements specific to purchasing.



Overview of Changes

- ▶ Adjustment to the Professional Services exception:
 - Current \$10,000 or less.
 - New \$15,000 or less.
- ▶ Included Professional Services to Special Opportunity Exception.
- ▶ Added Miscellaneous Exceptions for instances where the purchase, by its nature, is not adapted to competitive bidding.



Overview of Changes

- ▶ Adopted similar process to that of the State of Utah for Engineering and Architectural purchasing.
- ▶ Added controls and limitations to length of contracts.
- ▶ Added controls and limitations on clarifying information and immaterial errors.



Overview of Protest and Appeals

- ▶ Added Security Deposit or Bond Requirements for all appeals.
 - This is meant to deter frivolous appeals or those meant to harass or cause delay.
 - Amount of Bond or Deposit based on the amount of the bid.
 - Security Deposit or Bond returned if it is determined appeal is not frivolous, its primary purpose is not to harass or cause delay, or they prevail on the appeal.

