



**BLUFFDALE CITY COUNCIL
MEETING AGENDA
Wednesday, March 23, 2016**

Notice is hereby given that the Bluffdale City Council will hold a meeting Wednesday, March 23, 2016 at the Bluffdale City Fire Station, 14350 South 2200 West, Bluffdale, Utah scheduled to begin promptly at **6:30 p.m.** or as soon thereafter as possible. Notice is further given that access to this meeting by the Mayor and or City Council may be by electronic means via telephonic conference call.

BLUFFDALE CITY COUNCIL REGULAR BUSINESS MEETING 6:30 P.M.

1. Roll Call, Invocation, Pledge of Allegiance*
2. **PUBLIC FORUM** - (4 minute maximum per person to bring items not already on the agenda before the Council. Participants are encouraged to submit a written statement (1 copy) for items that are complex or that may require more than 4 minutes to present).
3. **CONSENT AGENDA** -
 - 3.1 Approval of the February 10, 2016, February 17, 2016 and February 24, 2016 meeting minutes.
 - 3.2 Approve a resolution amending the Interlocal Cooperation Agreement for Public Works Services for a five year extension.
4. Presentation and update of the Consumer Price Index for the West Region, presenter Beth Holbrook, Waste Management of Utah, Inc.
5. **PUBLIC HEARING** - Consideration and vote on amending the General Plan from Civic Institutional to Low Density Residential and amending official zoning map from R-1-43 to R-1-10 for 9.53-acres of property, located at approximately 1654 West 14600 South, Ken Olson, applicant, staff presenter, Paul Douglass.
6. Consideration and vote on a Preliminary and Final Subdivision Plat Applications for Iron Horse Plat B for 32 lots and Plat C for 33 lots for Townhomes including common areas and associated streets, located at approximately 15200 South Heritage Crest Way within the Independence Master Planned Community, Edge Homes, applicant, staff presenter, Jennifer Robison.
7. Consideration and vote on an ordinance prohibiting open burning without a permit, staff presenter, Vaughn Pickell.

LOCAL BUILDING AUTHORITY OF THE CITY OF BLUFFDALE BOARD MEETING

1. Roll Call
2. **PUBLIC HEARING** – Consideration and vote on a resolution of the Board of Trustees of the Local Building Authority of the City of Bluffdale, Utah, authorizing the Addendum to the Standard Agreement and General Conditions between Owner (Local Building Authority) and Construction Manager (Hughes General Contractors, Inc.) for the Bluffdale City Hall Project, staff presenter, Vaughn Pickell.
3. Adjournment

CONTINUATION OF BUSINESS MEETING

8. Mayor's Report
9. City Manager's Report and Discussion

PLANNING SESSION

Please Note: The planning session is for identifying future items and other council discussion in accordance with Utah Code § 52-4-201(2)(a). While the meeting may be open to the public, there will not be any opportunity for public input during the planning session.

10. Discussion regarding regulations on corral proximity in relation to residential structures, presenter, Otis Grant.
11. Closed meeting pursuant to Utah Code § 52-4-205(1) to discuss the character, professional competence, or health of an individual, collective bargaining, pending or imminent litigation, strategies to discuss real property acquisition, including any form of a water right or water shares, security issues, or any alleged criminal misconduct (if needed).
12. Adjournment

Dated this 18th day of March, 2016

I HEREBY CERTIFY THAT THE FOREGOING NOTICE AND AGENDA WAS FAXED TO THE SOUTH VALLEY JOURNAL, THE SALT LAKE TRIBUNE, AND THE DESERET MORNING NEWS; POSTED AT THE BLUFFDALE CITY HALL, BLUFFDALE CITY FIRE STATION, AND THE COMMUNITY BULLETIN BOARD AT THE BLUFFS APARTMENTS; EMAILED OR DELIVERED TO EACH MEMBER OF THE BLUFFDALE CITY COUNCIL; ON THE CITY'S WEBSITE AT WWW.BLUFFDALE.COM AND ON THE PUBLIC MEETING NOTICE WEBSITE, WWW.PMN.UTAH.GOV



Wendy L. Deppe, CMC
City Recorder

Note: The Bluffdale City Council will take a recess at approximately 9:30 p.m. and will evaluate the time needed to complete items not yet heard on the evening's agenda. Items the Council determines may take the meeting past 10:00 p.m. may be removed from the agenda and re-scheduled for the next regularly scheduled meeting. In compliance with the American with Disabilities Act, individuals needing assistance or other services or accommodation for this meeting should contact Bluffdale City Hall at least 24 hours in advance of this meeting at 801-254-2200. TTY 7-1-1. *Contact the City Recorder if you desire to give the Invocation.

**BLUFFDALE CITY COUNCIL
MEETING MINUTES
Wednesday, March 23, 2016**

Present: Mayor Derk Timothy
Ty Nielsen
Justin Westwood
James Wingate
Boyd Preece

Staff: Mark Reid, City Manager
Vaughn Pickell, City Attorney
Grant Crowell, City Planner/Economic Development Director
Michael Fazio, City Engineer
Blain Dietrich, Public Works Operations Manager
Jennifer Robison, Senior City Planner
Paul Douglass, Associate City Planner
Anika Estioko, Code Enforcement Officer
Wendy Deppe, City Recorder

Others: Beth Holbrook
Ken Olson
Otis Grant

Excused: Alan Jackson

BLUFFDALE CITY COUNCIL REGULAR BUSINESS MEETING

Mayor Derk Timothy called the meeting to order at 6:30 p.m.

1. Roll Call, Invocation, and Pledge.

All Members of the City Council were present with the exception of Alan Jackson who was excused.

Bryant Silvey, who resides at 15595 South Wood Hollow Cove, offered the invocation.

The Scouts present were working on their Citizenship in the Community Merit Badges and were identified as Colby Fox, Caydren Shook, Preston Rollins, Bryant Silvey, Brady Utley, Kaden Larsen, Garric Jenkins, Rett Sharp. Webelos working on their Build a Better World Merit Badges were identified as Adam Roller, Logan Tomis, Parker Wilcox, and Jason Garn.

Caydren Shook led the Pledge of Allegiance.

2. PUBLIC FORUM.

Breagan Webb gave his address as 2243 West Apple Crest Lane. He was present to express his shared desire to maintain the current regulations on trail proximities in relation to residential

**BLUFFDALE CITY COUNCIL
MEETING MINUTES
Wednesday, March 23, 2016**

structures. He read the following written statement pertaining to agenda item number 10:

“I and a significant group of individuals love Bluffdale and call it home because of the small town feel, which is advantageous to raising children. Living here affords us the opportunity to expose our children to the responsibilities of loving and raising horses, chickens, and other animals as well as growing vegetable gardens. We especially love the overwhelming culture of kindness and courtesy we have in our interactions as friends and neighbors in Bluffdale and feel that the City ordinances are designed to reflect and maintain that culture. With that understanding, it is our opinion that Bluffdale’s existing ordinance described in 11-7-7 and 11-7-10 where in animals and poultry setback zones are specified as being no less than 75 feet from any dwelling unit thus giving citizens a clear directive as to how far from a neighbor’s home is a courteous distance to house animals and poultry. We feel that a larger distance would be unreasonable for those who share in the joy of raising animals and poultry. On the other hand, a shorter distance would place the sounds and smells of animals and poultry discourteously close to neighbors’ homes. So, as you are here to discuss the agenda item 10 tonight, please note that there is a significant group of individuals who believe our elected City officials were accurate in the original development and design of this ordinance and we would like to see their decision to maintain a courteous distance between animals and residential structures upheld.”

Mayor Timothy stated that the matter will be discussed in length with agenda item number 10 and stated that those who do not stay will not know the outcome of the discussion.

There were no other citizens wishing to address the Council.

3. CONSENT AGENDA

3.1 Approval of the February 10, 2016, February 17, 2016, and February 24, 2016 Meeting Minutes.

3.2 Approve a Resolution Amending the Interlocal Cooperation Agreement for Public Works Services for a Five-Year Extension.

James Wingate moved to approve the consent agenda. Ty Nielsen seconded the motion. Vote on motion: Ty Nielsen-Aye, Justin Westwood-Aye, James Wingate-Aye, Boyd Preece-Aye. The motion passed unanimously.

4. Presentation and Update of the Consumer Price Index for the West Region, Presenter Beth Holbrook, Waste Management of Utah, Inc.

Beth Holbrook, identified herself as the Public Sector Representative from Waste Management of Utah, Inc., and made a Power Point presentation that consisted of a summary of last year and

**BLUFFDALE CITY COUNCIL
MEETING MINUTES
Wednesday, March 23, 2016**

the City's recycling program. It was noted that the City received information on a Consumer Price Index (CPI) increase of 1.8%. Ms. Holbrook reported on last year's recycling totals and how they impacted Bluffdale City. She congratulated the City and stated that theirs was one of the biggest increases percentage wise in terms of recycling. The majority of recycled materials included mixed paper consisting of newspaper and cardboard. Aluminum accounted for 1% of the materials recycled. Plastics represented 8%. The three types of waste were identified as recycling, green waste, and trash. The average volume per household per month was reported as 42 pounds. The advantages of recycling included conserving electricity and saving mature trees. Ms. Holbrook stated that currently they are working to get website content and social media for the City to disseminate. She indicated that her goal is to assist the City and ensure that they are able to develop and continue the partnership that they have.

Mayor Timothy understood that the green cans supplement the blue cans but asked if it was better to have recycling collected every other week or provide a second blue can at a reduced cost. Ms. Holbrook stated that it would be more practical and cost effective to encourage an additional can.

The Mayor asked how many CNG (Compressed Natural Gas) trucks are running in Bluffdale as opposed to diesel. Ms. Holbrook did not have that number available but agreed to find that information. She commented that in general they are only purchasing CNG trucks unless there are extreme hills where they feel diesel would be more effective in terms of getting up and down hills, especially on snowy days. Currently 50% of their fleet as a whole in the State of Utah is CNG. She also agreed to provide a calendar showing the days recycling was collected and make that information available on the website.

Ty Nielsen indicated that he is an Urban Forester and of the 5,179 mature trees that were saved in one year, oxygen was provided for 20,716 people. He reported that one mature tree will provide enough oxygen for four people per year.

James Wingate asked for clarification on whether glass is recyclable. Ms. Holbrook explained that in Utah glass collection constitutes 4% of the waste stream currently. As a result, they do not include collection. Because of the process in place they are not able to collect it for recycling. For cities who want to provide glass collection, they provide a separate container.

With regard to green waste, a request was made to begin it at least mid-March rather than wait until April. Ms. Holbrook stated that it is weather based and they have found it to be not as effective to begin in March given the challenges of weather.

With regard to plastic recycling, Ms. Holbrook stated that ideally a consumer will clean it, remove the labels and then recycle it. From a practical perspective that may not be the most cost effective. Once the plastic is separated out it is treated and the paper label is removed.

5. PUBLIC HEARING – Consideration and Vote on Amending the General Plan from Civic Institutional to Low Density Residential and Amending Official Zoning Map

BLUFFDALE CITY COUNCIL
MEETING MINUTES
Wednesday, March 23, 2016

from R-1-43 to R-1-10 for 9.53 Acres of Property, Located at Approximately 1654 West 14600 South, Ken Olson, Applicant, Staff Presenter, Paul Douglass.

Associate City Planner, Paul Douglass, presented the staff report and stated that tonight the Preserve at Spring View Farms will be discussed as well as the General Plan and zone change. It was reported that the request was presented to the Planning Commission the previous week at which time they discussed the possible acreage. The subdivision will consist of 10.57 acres located at 1654 West 14600 South. The applicant would like to facilitate development in the area by changing the zoning from R-1-43 to R-1-10. The Planning Commission unanimously recommended approval. The location was identified on a map displayed. The zoning of the surrounding properties was reviewed. The proposed subdivision is to be accessed off of Loomis Parkway.

The applicant, Ken Olson, gave his address as 10299 Spring Crest Lane in South Jordan and stated that he purchased the property under contract about one year ago. The west side of the property is zoned R-1-10, which is the zoning he is requesting. The access road was identified and will essentially combine the new subdivision with an existing neighborhood. Mr. Olson stated that all of the lots are proposed at 105 feet wide. The lots in the neighboring subdivision are 85 feet wide. The wider lots will accommodate a larger home or wider rambler. He stated that the request meets the General Plan requirements and will be compatible with the neighborhood residents will drive through for access as well. Mr. Olson was proposing an upscale neighborhood with contemporary mountain architecture that will be comparable to homes in Deer Valley. The allowed types of fencing were discussed. Lots 1 through 6 will have a minimum square footage on the main level of 2,400 square feet and a three-car garage. Roads that stub will have a gate. In response to a question raised by James Wingate, Mr. Olson clarified that the road going down to 14600 South will be for emergencies only. He noted that as part of the plan the existing home will be torn down.

Mayor Timothy opened the public hearing.

An email from Dan Dialogue in opposition to the rezone was submitted and made part of the record. He was unable to be present but stated that the proposed entrance is across the street from his home. He was concerned that the entrance is proposed in a location where traffic is very heavy during the morning and afternoon commutes. He believed that the additional residences will only exacerbate the problem. He also was concerned that vehicles typically travel well above the speed limit, which will likely result in accidents. Last, he stated that cyclists frequently travel 14600 South and rarely obey the rules of the road, which presents safety concerns.

Debra Bills gave her address as 14471 South 1690 West and was concerned that Mr. Olson is stealing her land because it is sloughing off. She stressed that Mr. Olson does not own property up to the top of the hill and stated that she will pursue a legal remedy if necessary. She stated that the land was taken to the bottom portion shown in green because it flooded every time he irrigated. They informed the City but nothing was done. Ms. Bills was waiting for someone to

BLUFFDALE CITY COUNCIL
MEETING MINUTES
Wednesday, March 23, 2016

do something and thought the district would shore the land up but they have not. They will now have to terrace it or have a wall because she is slowly losing her property. She did not think the situation was fair.

Brent Christensen gave his address as 1332 Blue Quill Drive and stated that currently he lives in Spring View Farms. He expressed his support for the request because the CRO Zone freed up about 90 acres for the neighbors to use as parks, trails, and ponds. The proposal will help bring those trails together.

Amanda Alger gave her address as 14628 South 1630 West and expressed opposition to the proposal due to an already existing problems with the roads. She stated that there is a lot of congestion and getting out at the light at 14400 South is very difficult. It is nearly impossible to get to I-15.

Hillary Spahr gave her address as 14381 South 1690 West and addressed the traffic issues the proposed zoning will create. She had expressed her concerns to the Council on several occasions. As a horse owner she realized the subdivision will not be zoned for horses. She asked if that will affect her. Frequently people build large houses in a rural area and then complain about the smell and flies. She hoped the new residents would understand that they were there first.

Lyle Wilde gave his address as 14459 South 1690 West and stated that there has been a long standing dispute over the property line on the west side of the development and the east side of his property. He hoped the issue could be worked through and determine where the conflict comes from. Surveys were conducted from the east and west and they all seem to conflict based on the fact that Mr. Matthews did a lot of odd things to the property line. He recommended approval be delayed for a short period of time while the differences are worked through.

Bryan Spahr gave his address as 14381 South 1690 West and asked what kind of fencing will be allowed. Mayor Timothy stated that the fencing will be based on what the zoning allows, which is up to an eight-foot wall. Mr. Spahr stated that an eight-foot wall will destroy what they purchased the property for. Mayor Timothy stated that an eight-foot wall could be built whether the zoning is changed or not.

Grant Snow gave his address as 14212 Stone Fly Drive and was generally in favor of the proposal due to the architecture. The Mayor stated that the decision tonight deals with the zoning and not architecture and what will be allowed to be built.

Debra Bills gave her address as 14413 South 1690 West and stated that she has lived in Bluffdale for 35 years and has a history here. She stated that all that the new residents, including the Mayor, want to do is tear the City up in to small lots and put houses everywhere. Lot sizes used to be larger and have gotten smaller and smaller. She felt they had lost their perspective.

**BLUFFDALE CITY COUNCIL
MEETING MINUTES
Wednesday, March 23, 2016**

Mr. Olson reported that the zone change is needed to install sewer. Any concerns had already been addressed with the R-1-10 zoning and noted that the lots he is proposing are larger than required. He addressed the issue of horses and stated that what is proposed is compatible. With regard to the survey, Mr. Olson stated that he has a warranty deed from the school district who gave him title insurance. He had seen four surveys, three from the school district and one he had done and all are the same and do not conflict.

There were no further public comments. Mayor Timothy closed the public hearing.

The Council addressed the gated road. Ty Nielsen's preference was for it to be a road or access rather than a gated road. He stated that times have changed and Bluffdale is growing. Boyd Preece's opinion was that the zoning is a compatible use. James Wingate felt it matched the Wood Duck Hollow as well and thought residents should be able to address their traffic concerns with the Mayor and staff. Mayor Timothy stated that 1690 West going west will be a UDOT road and trying to do a jurisdictional transfer and Porter Rockwell Boulevard (PRB) would help alleviate traffic off of 14600 South with the trestle being the major obstacle.

Justin Westwood's primary issue was the intersection at 14600 South and 1690 West. He understood that it had been an issue for awhile. He was somewhat satisfied with the second entrance but did not want it to be a dirt road because it will be used to avoid the intersection. If that happens he would not be in favor of the second road altogether. In terms of zoning, he would like a determination to be made on the property line issue. As presented, he had no objection, however, if the lot line moves to the east it could change what could take place here. He proposed that the matter be tabled until the lot line can be determined. The potential discrepancy was thought to be up to 40 feet.

Ms. Bills stated that it goes over the hill. The previous owner cemented a post in and another property owner dug it out. Legal issues were discussed. City Attorney, Vaughn Pickell, stated that a lot line dispute would be a civil matter between the property owners. Per City ordinance, all that is required is a deed and title report for a subdivision.

Mr. Olson stated that if there is a dispute and the neighboring owner owns 40 feet in the specified location, it would eliminate several lots because they would not be large enough. The result would be to push the road over and create larger lots on one side of the road. Possible alternatives were discussed.

Mayor Timothy was concerned that the proposal had gone from 10 lots to 30 lots and allowing stub roads creates no ingress or egress. He was not in favor of exceeding the 30-lot rule with a gated access and felt that now was the time to take a stand.

Mr. Olson commented that he felt the zoning should be compatible with the neighbors. He clarified that what is proposed is in compliance with the 30-lot rule and the R-1-10 zone. He understood that there can be a maximum of 30 lots with a single access. Once a secondary access is provided additional lots can be developed.

**BLUFFDALE CITY COUNCIL
MEETING MINUTES
Wednesday, March 23, 2016**

Ms. Bills identified the location of a natural spring and stated that in 1983, it was underwater. She was concerned about developing on a dry lake bed where there is a potential for flooding.

Ty Nielsen moved to deny the proposed rezone. Justin Westwood seconded the motion.

Boyd Preece heard many valid concerns that he felt should be addressed when a subdivision application is made, but that a good reason had not been presented to not allow the property to be rezoned to R-1-10. He was concerned that if Mr. Olson stops at 30 lots, at some point in the future the property to the south may become available and the owner may want to develop it. His primary concern was with the road going through to 14600 South. Justin Westwood did not want to pave the way for additional development to occur beyond the 30 lots. He noted that he was the only Member of the City Council that voted against the Independence Subdivision that was previously brought before the City Council.

Possible alternatives were discussed. City Planner/Economic Development Director, Grant Crowell, reported that the subdivision ordinance states that the new street should not be offset less than 150 feet. He noted that it is not tied to volume. Mayor Timothy's concern was that if the zoning allows for R-1-10 and the capacity of the homes in the area is more than 30, the next argument in the future will be that the City Council approved R-1-10 zoning knowing that there was more property than what would be allowed with the 30-unit limit. The argument could be made that a temporary access should be allowed to get their full right to the zone.

Mr. Crowell stated that there are scenarios where the currently adopted subdivision ordinance would allow more than 30 lots on a dead end if the temporary access meets certain criteria.

Vote on motion: Justin Westwood-Aye, James Wingate-Nay, Boyd Preece-Nay, Ty Nielsen-Aye, Mayor Derk Timothy-Aye. The motion passed 3-to-2. Mayor Timothy voted to break a tie.

6. Consideration and Vote on a Preliminary and Final Subdivision Plat Application for Iron Horse Plat B for 32 Lots and Plat C for 33 Lots for Townhomes Including Common Areas and Associated Streets, Located at Approximately 15200 South Heritage Crest Way, within the Independence Master Planned Community, Edge Homes, Applicant, Staff Presenter, Jennifer Robison.

Senior City Planner, Jennifer Robison, presented the staff report and stated that the project is part of the Independence at the Point development. The first phase was approved in January. This is the second of three phases needed to complete the subdivision. The location of the property was identified on a site map displayed. The request was to approve Plats B and C, which were presented. Mrs. Robison commented that this portion of Noell Nelson Drive needs to be constructed and DAI is responsible to complete it all the way to Porter Rockwell Boulevard. In order for Edge Homes to be able to continue their development, they acquired an easement from DAI to provide an access. They provided a temporary secondary access to allow the

**BLUFFDALE CITY COUNCIL
MEETING MINUTES
Wednesday, March 23, 2016**

development to continue until the final design is presented. The hope was that it will come together at the same time. If it does not, they provided an easement to provide access into the property.

With regard to the road, Mayor Timothy struggled with temporary items that are allowed. He felt that as a master developer, when DAI sells property for development, they are committing to the half width plus 10 feet. James Wingate asked if the issuance of the Certificate of Occupancy could be limited until the road is completed. Mr. Pickell explained that they bond for a public improvement but because they are off site they are not part of the plat's improvement package. He questioned whether it was something the City could require. The Mayor did not think DAI was stepping up and being the master developer in this case. He did not think it should be the builder's responsibility to construct a temporary road in order to meet a requirement that the master developer represented. He did not want to penalize the builder in this situation.

The Mayor commented that when Porter Rockwell Boulevard is built, this extension won't be constructed right away because the apartments across the street won't be constructed for a period of time. He asked where the master developer would then get the incentive to connect the roads. Mr. Pickell explained that the City had no control over the sale of this property to the builder and it was not part of the subdivision. It, however, meets all of the requirements. The Mayor felt for the builder who purchased the property in good faith. In the future when approvals are granted for a master developer he recommended there be stipulations in writing.

Justin Westwood moved to approve a preliminary and final subdivision plat for Iron Horse Plat B for 32 lots and Plat C for 33 lots for townhomes including common areas and associated streets, located at approximately 15200 South Heritage Crest Way within the Independence Master Planned Community. Approval was subject to the following:

Conditions:

- 1. That all requirements of the City Code and adopted ordinances are met and adhered to for each proposed plat.**
- 2. That all plats comply with the Bluffdale City Engineering Standards and Specifications and recommendations by the City Engineer and Public Works Department for all relevant construction and plat drawings prior to the plat recording.**
- 3. That the project adheres to all requirements of the International Fire Code.**
- 4. That the plat specific CC&R's are recorded with the final plats at the County Recorder's office for Iron Horse Plat B and Plat C.**

**BLUFFDALE CITY COUNCIL
MEETING MINUTES
Wednesday, March 23, 2016**

5. That all building permit submittals for townhomes have written or stamped approval from the Independence Development Review Committee (IDRC), pursuant to the requirements of the DA prior to being submitted to the City.
6. That all public park strips, landscaping, irrigation and maintenance adjacent to the project is the responsibility of the HOA. Street trees are required to be installed in the park strip adjacent to Heritage Crest Way in accordance with the approved Independence Project Street Tree Plan. Park strips and street trees along Noell Nelson will be installed with the road project, but will be the responsibility of the HOA to maintain for the Iron Horse overall project.
7. That any construction activities or land disturbance adjacent to Porter Rockwell Boulevard be coordinated and approved by the City Engineer prior to commencing any construction activities.
8. That a copy of the easement obtained by Edge Homes and provided to the City to access Noell Nelson Drive for a temporary secondary access until dedication and construction of Noell Nelson is completed will be included with the mylar at the time of recordation of Final Plat B and C.

James Wingate seconded the motion. Vote on motion: James Wingate-Aye, Boyd Preece-Aye, Ty Nielsen-Aye, Justin Westwood-Aye. The motion passed unanimously.

Mayor Timothy asked staff to identify the options available to the City Council to strengthen their abilities for future opportunities.

7. **Consideration and Vote on an Ordinance Prohibiting Open Burning without a Permit, Staff Presenter, Vaughn Pickell.**

Mr. Pickell reported that the request is from the Fire Chief to adopt an ordinance that requires a permit to be obtained before open burning is allowed. State Air Quality regulations from the Division of Air Quality direct people to obtain permits from their local fire authority. Currently the City does not have an avenue for that process to occur. Several items are exempted from the permit requirement such as outdoor grills and fireplaces, recreational campfires (provided the materials are cleaned immediately of charcoal), indoor fireplaces, solid burning fuel devices, and the burning of weeds along ditch banks and fence lines.

Mr. Pickell stated that there is also a limitation on the type of material that can be burned with a permit. Air quality has to be good or to the green level on the Air Quality Index. The clearing index has to be 500 or greater. Trash, rubbish, tires, or oil can be burned and a permit cannot be obtained to burn those items. No cost is associated with the application process.

The Mayor recommended the City's website be put to good use and allow for as many functions as possible to be performed on line. He asked that the fence line language be removed from the

BLUFFDALE CITY COUNCIL
MEETING MINUTES
Wednesday, March 23, 2016

ordinance. A majority of the Council agreed. A key component was thought to be diffusing 911 calls so that when the neighbors report seeing smoke, the department is aware of the situation.

Ty Nielsen moved to approve an ordinance prohibiting open burning without a permit, as written, with an exception on removing language pertaining to fence lines. James Wingate seconded the motion. Vote on motion: James Wingate-Aye, Boyd Preece-Aye, Ty Nielsen-Aye, Justin Westwood-Aye. The motion passed unanimously.

Mr. Pickell stated that non-compliance is a Class B Misdemeanor. Ways to educate the public were discussed such as including information in the newsletter.

LOCAL BUILDING AUTHORITY OF THE CITY OF BLUFFDALE BOARD MEETING

1. Roll Call.

All Trustees of the Local Building Authority were present with the exception of Alan Jackson who was excused.

2. PUBLIC HEARING – Consideration and Vote on a Resolution of the Board of Trustees of the Local Building Authority of the City of Bluffdale, Utah, Authorizing the Addendum to the Standard Agreement and General Conditions between Owner (Local Building Authority) and Construction Manager (Hughes General Contractors, Inc.) for the Bluffdale City Hall Project, Staff Presenter, Vaughn Pickell.

Mr. Pickell reported that Hughes General Contractors were selected as the contractor for City Hall. In a separate resolution they entered into a contract that specifies that at the end of the construction documents phase they will bid out the project and then enter into an addendum for a guaranteed maximum price. They completed the bidding and value engineering and were able to reduce some of the costs. The total guaranteed maximum price was set at \$6,670,435. The costs were itemized in the exhibit to the agreement.

Mayor Timothy commented that the value engineering portion included a list of items to be evaluated. Some included upgrades for items that are already outdated. Other items were to be kept such as heated entryways to City Hall. The Mayor considered the price to be as low as it can be while still being able to construct a building that is useful.

Mayor Timothy opened the public hearing. There were no public comments. The public hearing was closed.

Appreciation was expressed to staff, the Mayor, and all who have worked on the project and ultimately have a building that will serve the City's current and future needs without being extravagant.

**BLUFFDALE CITY COUNCIL
MEETING MINUTES
Wednesday, March 23, 2016**

Justin Westwood moved to pass a resolution of the Board of Trustees of the Local Building Authority of the City of Bluffdale, Utah, authorizing the Addendum to the Standard Agreement and General Conditions between Owner (Local Building Authority) and Construction Manager (Hughes General Contractors, Inc.) for the Bluffdale City Hall Project. Ty Nielsen seconded the motion. Vote on motion: James Wingate-Aye, Boyd Preece-Aye, Ty Nielsen-Aye, Justin Westwood-Aye. The motion passed unanimously.

3. Adjournment.

The LBA portion of the meeting was adjourned.

CONTINUATION OF BUSINESS MEETING

8. Mayor's Report.

Mayor Timothy reported that at the most recent Regional Growth Council (RGC) Meeting they looked at long-term transportation planning. There was discussion about adding to the RTP the piece of road that runs from the charter school on 14000 South to connect to 3600 West, which is along the regional park. There are also active maps on the Wasatch Front Regional Council's website for the small area meetings that are coming up. Bluffdale's small area meeting is scheduled for April 25 from 3:00 p.m. to 5:00 p.m. at Riverton City Hall. This is an opportunity to look at the Wasatch Front Regional Council's plan and address it at various into shorter meetings. As neighborhoods they can meet and talk with those in authority about the plan so that they know what the residents want.

Mayor Timothy reported on the Knight of Heroes event and was grateful to those in attendance. He reported that Bluffdale had four full tables represented and the presentation was very well done. He expressed appreciation to the Police and Fire personnel for all they do.

The Mayor reported that the play took place last weekend and was a success. The experience highlighted the need for the City to have a place to hold plays so residents aren't forced to drive to other cities.

Mayor Timothy reported that a meeting was held with UDOT to discuss Porter Rockwell Boulevard and a jurisdictional transfer between Porter Rockwell Boulevard and 14600 South. Details were not discussed since it is necessary to wait for the \$1.5 million for corridor preservation for Segment 4, which is ongoing. Segment 5 was also discussed at the same meeting. The Mayor explained that UDOT is exchanging funds with the City and will be advancing \$5.5 million to the City who will be building Segment 5. They have to follow federal rules because it is federal money. They will then be reimbursed by the City when money is received from the Wasatch Front Regional Council in 2019. The Mayor stated that there is a 6% match, or \$300,000, which was of concern to him. UDOT, however, agreed to provide the match.

**BLUFFDALE CITY COUNCIL
MEETING MINUTES
Wednesday, March 23, 2016**

The Mayor reported that he would be hosting the Conference of Mayors Meeting in Bluffdale the following day. He considered it a good opportunity and stated that his focus will be the history of Bluffdale and zoning and planning. He also wants to discuss the City's long-term planning, which is kept updated.

9. City Manager's Report and Discussion.

City Manager, Mark Reid, was excited to see the negotiations with UDOT and how well they went. He thought the Mayor had done a wonderful job of getting the most for the City.

With regard to the Knight of Heroes, Mr. Reid spoke to the Police and Fire personnel and they appreciated the support and attendance at the event.

Mr. Reid reported that Corridor Preservation funds were received and they purchased all of Segment 3. They now own Segments 1, 2, and 3 for Porter Rockwell Boulevard. He stated that beyond that they own the corridor all the way through Independence and will probably only be able to build to Noell Nelson Drive but will stretch it as far as possible.

Mr. Reid indicated that Saturday, March 26 will be the Lions Club Easter Egg Hunt at 10:00 a.m.

Mr. Reid stated that the City's website is under construction and Friday, March 25, is the deadline to submit materials.

A bid was received for Vintage Park in the amount of \$8,600 for the Conceptual Master Plan. Mayor Timothy asked if there was a use in the City for the dirt that was excavated. Staff agreed to look into the matter.

Mr. Reid reported that a bid was received for the Rodeo Grounds in the amount of \$570,000. Staff and members of the Rodeo Committee met and modified the scope of work and it is again back out to bid. The intent was to complete the retaining wall before June 1.

The Miss Bluffdale Pageant was scheduled for Saturday, March 26, at 7:00 p.m. at the Riverton City Little Theatre behind their City Council Room on the second floor of Riverton City Hall.

Mr. Reid stated it has been requested that staff look at the SD Zone. Mr. Crowell had been working on it and is close to completing a draft. Mr. Reid asked if the desire of the Council was to have a base density due to where it is located. There was some question about what could go into the zone that would provide flexibility. Mr. Crowell explained that the proposal they have is from the applicants and staff responded to the request. The draft is three to four pages long and it is a flexible zone. The differences between the SD zone and the Development Agreement were discussed. He noted that development agreements are intended to serve as a supplement to the underlying zoning. Mr. Pickell commented that the law or zoning cannot be changed by contract.

**BLUFFDALE CITY COUNCIL
MEETING MINUTES
Wednesday, March 23, 2016**

Mayor Timothy's concern with that type of zoning in that it would be a permanent negotiation because there is no starting point and no limit. He thought some parameters should be set. He recommended that staff be involved with the proposed SD zoning open space requirement.

PLANNING SESSION

Boyd Preece referenced 1690 West 14400 South and was advised to discuss his concerns with City Engineer, Michael Fazio.

10. Discussion Regarding Regulations on Corral Proximity in Relation to Residential Structures, Presenter, Otis Grant.

Otis Grant gave his address as 14380 South Camp Williams Road and stated that he and his wife purchased a home on 1.1 acres with the intent to use it as horse property. He was later informed that corrals must be 75 feet from a neighbors' house. His home is 67 feet away from his neighbor to the south. He spoke to his neighbors and resolved the issue. About two weeks ago he received a citation informing him that on April 13 he has a court meeting and was charged with a Class B Misdemeanor. Mr. Otis stated that he lives on a corner lot with neighbors to the north and behind him. He asked to have the corral proximity distance requirement from a neighboring dwelling reduced from 75 feet to 40 feet. He stated that in his estimation, after meeting the requirement, he has less than one-half acre of usable horse property. The specifics of the site were discussed and possible options were discussed.

Ty Nielsen asked that staff provide options for consideration. He was concerned that in this situation the neighbor gets to dictate the use of Mr. Otis' property. He thought the requirement was overly restrictive and recommended it be changed to 40 feet. Council Member Nielsen recommended staff come up with alternatives to present to the Council with the proposed 40-foot requirement.

Mr. Grant stated that with the current zoning he can put each of the four horses in a 12' x 12' corral. That being the case, he would have been better off buying a condominium and boarding his horses at the Salt Lake County Equestrian Center. He noted that he could have done that for less money than buying a house in Bluffdale. Mr. Grant stated that although he is the only one protesting tonight, if the rules were enforced there would be hundreds of people with him. He looked at other properties in the City and found that there are some corrals as close to 10 feet from their neighbor. He considered that too close but stated that he can find some that are within 20 to 30 feet. He thought that property owners should be able to use their property as it was intended and the requirement should be 30 to 35 feet.

Mayor Timothy stated that a citation is a citation and non-compliance is non-compliance. Just because someone else hasn't been cited does not mean that another person automatically does not get cited. He stated that when Mr. Grant purchased his property it was his responsibility to know what the rules are. He did, however, think there should be some flexibility in dismissing the citation.

BLUFFDALE CITY COUNCIL
MEETING MINUTES
Wednesday, March 23, 2016

Mr. Pickell described the citation and the City Council's options. He stated that Mr. Grant has been cited and has an arraignment scheduled where he will enter a plea of guilty, not guilty, or no contest. The City Council could direct Mr. Pickell to dismiss the charges or they can proceed to prosecute. Mayor Timothy stated that regardless, Mr. Grant has to be in compliance even if the citation is dismissed.

Ty Nielsen stated that when he purchased his property he heard about the setback and measured and found that there is 25 feet from his barn to his house. He considered the requirement to be too restrictive, especially for a community like Bluffdale. He recommended the requirement be reduced to 40 feet. Council Member Nielsen did not see how reducing the requirement by 35 feet will damage property values.

Public Works Operations Manager, Blain Dietrich, addressed the Council as a homeowner rather than a City employee and stated that he is affected by the opposite scenario. He does not live on a corner lot but his lot borders a corner lot. As a result, their back yard becomes his side yard. The property owner wants to build a corral and barn on his property, which he thought he should have the right to do. His setback, however, is only 10 feet, which means he would lose 65 feet in order to build a home on his own lot and stay away from his neighbor's barn if it goes in first. He felt that it takes away land value and can potentially take away someone's right to build on their property.

Mayor Timothy felt that if a corral goes in first and the house is built later, the corral dimensions should be restricted. He felt it was the corral impacting the house and not the house impacting the corral and there is probably an option in the ordinance that states that with an existing residence, a corral cannot be within a certain distance. A future residence, however, is only restricted by the setback of the property line. Mr. Dietrich stated that he purchased his property first and does not want a horse that close.

Hillary Spahr reported that she has had horses her entire life and has lived in various places. She stated that the setback for a corral in any horse community is 10 feet from the property line except for very high end neighborhoods with very expensive homes with pools. In those cases, they ask that you place them 20 feet from the property line to avoid contamination of the pool. Mayor Timothy stated that Salt Lake County and Draper have setbacks similar to Bluffdale's. Very seldom does the City look very far outside their border to compare. He stated that while the requirements were likely less restrictive than in the past, rules are in place to protect adjacent property owners. Ms. Spahr's opinion was that 10 feet from the property line is acceptable and reasonable.

Mr. Dietrich stressed that he is not opposed to horses and he does not mind if his neighbor's horses come up to the fence and use it as pasture. For him, a barn or corral is a place where horses are fed and watered. Historically, those are places where defecation happens and more stench is concentrated there. He was in favor of a corral being back 75 feet from a health perspective. He was not in favor of preventing someone from using their property and letting

BLUFFDALE CITY COUNCIL
MEETING MINUTES
Wednesday, March 23, 2016

horses wander up to the fence. His opinion was that where horses are fed and watered, other factors should be taken into consideration. Also, when it rains and horses are under cover, they tend to kick and bang, which is noisy. In those instances, additional distance is a benefit as well.

Mayor Timothy directed the Mr. Pickell to dismiss the citation and give Mr. Grant 45 days for the City Council making a decision to alter the ordinance or move the corral while they come up with an alternative plan.

Mr. Pickell suggested the matter be tabled or continued. Mr. Reid stated that there are people who have been out of compliance in terms of the number of horses allowed and the City has given them up to six months to come into compliance and find a new place to move the horses. Mr. Pickell did not recommend the Council bind itself to making a change.

Mr. Pickell agreed to drop the charges if Mr. Grant removes the horses from the corral and takes one end down while the matter is sorted out. Another option was to postpone the matter for six months, which would allow Mr. Grant to keep the horses on his property. Mr. Pickell stated that Mr. Grant should go to the arraignment and plead not guilty. Another option was to dismiss the charges and refile again if needed. Mr. Grant saw no reason to go to the arraignment if the intent is to change the requirements. He noted that there are many other people in Bluffdale who are out of compliance but they have not received even a warning. Mr. Pickell stated that his intent is to respect the process and not bypass the judge. Mr. Grant stated that his goal is to get the Class B Misdemeanor off his record. Mr. Pickell informed Mr. Grant that because he has not been convicted, the misdemeanor is not on his record.

Mrs. Grant, Otis Grant's mother, stated that having a Class B Misdemeanor on her son's record causes him stress. She did not think it was fair to impose when the Council may change the requirements. She saw no reason for the charge not to be dropped. Mayor Timothy stated that the Council is trying to help. If the City does nothing, the legal process will still take place.

Options available to Mr. Grant were discussed. The Council felt that simply removing the horses from the property would be enough to show that the corral is not being used as such and bring him into compliance. Mr. Pickell stated that without taking down one panel the property could be sold and the structure could be used as a corral. By partially dismantling it, it no longer can be used for its intended purpose. Mayor Timothy agreed and believed that if the horses are removed it is no longer a corral. Mr. Pickell agreed to drop the charges if Mr. Grant is in compliance and at the direction of the Governing Body.

**BLUFFDALE CITY COUNCIL
MEETING MINUTES
Wednesday, March 23, 2016**

11. Closed Meeting Pursuant to Utah Code §52-4-205(1) to Discuss the Character, Professional Competence, or Health of an Individual, Collective Bargaining, Pending or Imminent Litigation, Strategies to Discuss Real Property Acquisition, Including Any Form of a Water Right or Water Shares, Security Issues, or any Alleged Criminal Misconduct.

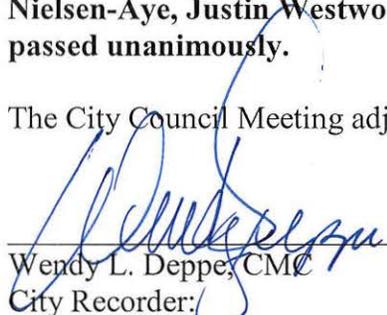
Ty Nielsen moved to go into Closed Meeting pursuant to §52-4-205(1) to discuss property acquisition. Justin Westwood seconded the motion. Vote on motion: Ty Nielsen-Aye, Justin Westwood-Aye, James Wingate-Aye, Boyd Preece-Aye. The motion passed unanimously.

The City Council was in closed session from 10:24 p.m. to 11:35 p.m.

12. Adjournment.

Ty Nielsen moved to adjourn. Justin Westwood seconded the motion. Vote on motion: Ty Nielsen-Aye, Justin Westwood-Aye, James Wingate-Aye, Boyd Preece-Aye. The motion passed unanimously.

The City Council Meeting adjourned at 11:35 p.m.


Wendy L. Deppe, CMC
City Recorder:



Approved: April 27, 2016

**BLUFFDALE CITY COUNCIL
CLOSED MEETING MINUTES
Wednesday, March 23, 2016**

Present: Mayor Derk Timothy
Ty Nielsen
Justin Westwood
James Wingate
Boyd Preece

Staff: Mark Reid, City Manager
Vaughn Pickell, City Attorney
Grant Crowell, City Planner/Economic Development Director
Michael Fazio, City Engineer
Blain Dietrich, Public Works Operations Manager
Wendy Deppe, City Recorder

At approximately 10:24 p.m. Mayor Derk Timothy called the meeting to order.

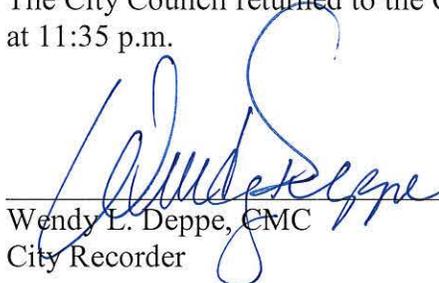
Motion: Ty Nielsen moved to go into Closed Meeting pursuant to Utah Code §52-4-205(1) to discuss property acquisition.

Second: Justin Westwood seconded the motion.

Vote on Motion: Ty Nielsen-Aye, Justin Westwood-Aye, James Wingate-Aye, Boyd Preece-Aye. The motion passed unanimously.

Property acquisition issues were discussed.

The City Council returned to the City Council chambers to resume the open portion of the meeting at 11:35 p.m.



Wendy L. Deppe, CMC
City Recorder



Approved: April 27, 2016